UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/91
7 March 1995
ENGLISH
ORIGINAL: SPANISH

Fiftieth session
Item 96 of the preliminary list*

MACROECONOMIC POLICY QUESTIONS

Letter dated 23 February 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Paraguay to the United Nations addressed to the Secretary-General

I have the honour to write to you in Paraguay's capacity as current President of the Common Market of the Southern Cone (MERCOSUR).

As you know, the Treaty of Asunción dated 26 March 1991 and signed by Argentina, Brazil, Paraguay and Uruguay, gave rise to MERCOSUR.

On 17 December 1994, the Additional Protocol to the Treaty of Asunción was signed. That document, which establishes the institutional structure of MERCOSUR and is also known as the Ouro Preto Protocol, is attached hereto.

I should be grateful if you would have this document distributed to all the Member States as a document of the General Assembly under item 96 of the preliminary list.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Mario SANDOVAL
Minister
Chargé d'affaires a.i.

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ANNEX

Additional Protocol to the Treaty of Asunción concerning the institutional structure of MERCOSUR

- Ouro Preto Protocol -

The Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Eastern Republic of Uruguay, hereinafter referred to as the "State Parties",

Pursuant to the provisions of article 18 of the Treaty of Asunción of 26 March 1991,

Realizing the importance of the progress made and of the launching of the customs union as a stage in the creation of the common market,

Reaffirming the principles and objectives of the Treaty of Asunción and attentive to the need for special consideration to be given to countries and regions that are less developed than MERCOSUR,

Aware of the momentum implicit in any integration process and the consequent need to adapt the institutional structure of MERCOSUR to the changes that have occurred,

Recognizing the remarkable work done by the existing organs during the transition period,

Agree as follows:

Chapter I

Structure of MERCOSUR

Article 1

The institutional structure of MERCOSUR shall comprise the following organs:

I. The Council of the Common Market (CMC)

II. The Common Market Group (GMC)

III. The MERCOSUR Trade Commission (CCM)

IV. The Joint Parliamentary Commission (CPC)

V. The Economic and Social Consultative Forum (FCES)

VI. The Administrative Secretariat of MERCOSUR (SAM).

Sole paragraph. Under the terms of this Protocol, such auxiliary organs shall be created as may be necessary to achieve the objectives of the integration process.

Article 2

The following shall be intergovernmental organs with decision-making powers: the Council of the Common Market, the Common Market Group and the MERCOSUR Trade Commission.

Section I

The Council of the Common Market

Article 3

The Council of the Common Market shall be the highest organ of MERCOSUR and shall be responsible for the political leadership of the integration process and for taking decisions to ensure compliance with the objectives set by the Treaty of Asunción and to secure the final establishment of the common market.

Article 4

The Council of the Common Market shall consist of the Ministers for Foreign Affairs and the Ministers of the Economy, or their equivalent, of the States Parties.

Article 5

The presidency of the Council of the Common Market shall rotate among the States Parties, in alphabetical order, for periods of six months.

Article 6

The Council of the Common Market shall meet whenever it deems necessary, and at least once every six months with the participation of the Presidents of the States Parties.

Article 7

Meetings of the Council of the Common Market shall be coordinated by the Ministers for Foreign Affairs, and other ministers or ministerial authorities may be invited to participate in them.

Article 8

The functions and powers of the Council of the Common Market shall be:

I. To monitor compliance with the Treaty of Asunción, its Protocols and any agreements signed thereunder;

II. To formulate policies and promote action needed to establish the common market;

III. To exercise the legal personality of MERCOSUR;

IV. To negotiate and sign agreements, on behalf of MERCOSUR, with third countries, groups of countries and international agencies. These functions may be delegated expressly to the Common Market Group on the terms established in paragraph VII of article 14;

V. To take action on proposals transmitted to it by the Common Market Group;

VI. To organize meetings of ministers and take action on any agreements they may submit to it;

VII. To create whatever organs it deems appropriate, as well as modify or dissolve them;

VIII. To clarify, where necessary, the content and scope of its decisions;

IX. To appoint the Director of the Administrative Secretariat of MERCOSUR;

X. To take financial and budgetary decisions;

XI. To approve the rules of procedure of the Common Market Group.

Article 9

The Council of the Common Market shall take action by means of decisions which shall be binding on the States Parties.

Section II

The Common Market Group

Article 10

The Common Market Group shall be the executive organ of MERCOSUR.

Article 11

The Common Market Group shall consist of four members and four alternate members for each country appointed by their respective Governments; such members must include representatives of the country's Ministry of Foreign Affairs, Ministry of the Economy (or equivalent) and Central Bank. The Common Market Group shall be coordinated by the Ministries of Foreign Affairs.

Article 12

In drafting and proposing specific measures in the course of its work, the Common Market Group may, whenever it deems appropriate, call on representatives of other government organs or of the institutional structure of MERCOSUR.

Article 13

The Common Market Group shall convene regular or special meetings as often as is necessary, on the terms established in its rules of procedure.

Article 14

The functions and powers of the Common Market Group shall be:

I. To monitor, within the limits of its jurisdiction, compliance with the Treaty of Asunción, its Protocols and any agreements signed thereunder;

II. To propose draft decisions to the Council of the Common Market;

III. To take the necessary steps to comply with decisions adopted by the Council of Common Market;

IV. To draw up programmes of work which ensure progress towards the establishment of the common market;

V. To create, modify or dissolve organs such as working subgroups and specialized meetings in order to fulfil its objectives;

VI. To express its views on any proposals or recommendations submitted to it by the other organs of MERCOSUR within its sphere of competence;

VII. To negotiate on behalf of MERCOSUR, with the participation of representatives of all the State Parties and when expressly delegated to do so by the Council of the Common Market, within the limits set by specific mandates granted to this end, agreements with third countries, groups of countries and international agencies. When so mandated, it shall sign the aforementioned agreements. When authorized by the Council of the Common Market, it may delegate the aforementioned powers to the MERCOSUR Trade Commission;

VIII. To approve the budget and the annual financial report presented by the Administrative Secretariat of MERCOSUR;

IX. To adopt financial and budgetary decisions, based on the guidelines issued by the Council;

X. To submit its rules of procedures to the Council of the Common Market;

XI. To organize the meetings of the Council of the Common Market and prepare any reports and studies that the Council may request of it;

XII. To elect the Director of the Administrative Secretariat of MERCOSUR;

XIII. To supervise the activities of the Administrative Secretariat of MERCOSUR;

XIV. To approve the rules of procedure of the Trade Commission and the Economic and Social Consultative Forum.

Article 15

The Common Market Group shall take action by means of resolutions which shall be binding on the States Parties.

Section III

The MERCOSUR Trade Commission

Article 16

The MERCOSUR Trade Commission, the organ responsible for assisting the Common Market Group, shall be responsible for monitoring the application of the instruments of common trade policy agreed on by the States Parties for the functioning of the customs union, and for following up and reviewing issues and matters related to common trade policies, intra-MERCOSUR trade and third countries.

Article 17

The MERCOSUR Trade Commission shall consist of four members and four alternate members for each State Party and shall be coordinated by the Ministries of Foreign Affairs.

Article 18

The MERCOSUR Trade Commission shall meet at least once a month or whenever requested by the Common Market Group or by any of the States Parties.

Article 19

The functions and powers of the MERCOSUR Trade Commission shall be:

I. To monitor the application of common instruments of trade policy within MERCOSUR and with third countries and international agencies, and trade agreements;

II. To consider and take action on requests submitted by States Parties with regard to the application and enforcement of the common external tariff and other instruments of common trade policy;

III. To follow up the application of instruments of common trade policy in the States Parties;

IV. To analyse the evolution of instruments of common trade policy for the functioning of the customs union and make proposals thereon to the Common Market Group;

V. To take decisions concerning the administration and application of the common external tariff and of the instruments of common trade policy agreed to by the States Parties;

VI. To inform the Common Market Group of the evolution and application of instruments of common trade policy, the processing of the requests received and the decisions taken thereon;

VII. To propose to the Common Market Group new rules or amendments to existing MERCOSUR rules in the trade and customs areas;

VIII. To propose revisions of the tariff quotas for specific items of the common external tariff, including in the case of new productive activities in the sphere of MERCOSUR;

IX. To set up whatever technical committees it needs to perform its functions properly, and to direct and supervise their activities;

X. To perform such tasks related to common trade policy as the Common Market Group may request of it;

XI. To adopt its rules of procedure, which it shall submit to the Common Market Group for approval.

Article 20

The MERCOSUR Trade Commission shall take action by means of directives or proposals. Its directives shall be binding on the States Parties.

Article 21

In addition to the functions and powers laid down in articles 16 and 19 of this Protocol, the MERCOSUR Trade Commission shall be responsible for considering complaints filed by national sections of the MERCOSUR Trade Commission, whether emanating from the States Parties or from complaints by private individuals or legal entities, concerning the situations envisaged in articles 1 or 25 of the Brasilia Protocol, where these fall within its sphere of competence.

First paragraph. Consideration of the aforementioned complaints by the MERCOSUR Trade Commission shall not preclude action by the State Party which made the complaint, by virtue of the Brasilia Protocol for the Settlement of Disputes.

Second paragraph. Complaints arising from the cases provided for in this article shall be handled in accordance with the procedure laid down in the annex to this Protocol.

Section IV

The Joint Parliamentary Commission

Article 22

The Joint Parliamentary Commission shall be the representative organ of the Parliaments of the States Parties within MERCOSUR.

Article 23

The Joint Parliamentary Commission shall consist of an equal number of parliamentarians representing each of the States Parties.

Article 24

Members of the Joint Parliamentary Commission shall be appointed by their respective national Parliaments, according to their own internal procedures.

Article 25

The Joint Parliamentary Commission shall seek to expedite the corresponding internal procedures in the States Parties for the early entry into force of rules issued by the MERCOSUR organs provided for in article 2 of this Protocol. It shall likewise assist in the harmonization of legislation, as required by the progress of the integration process. Where necessary, the Council shall request the Joint Parliamentary Commission to consider priority issues.

Article 26

The Joint Parliamentary Commission shall transmit recommendations to the Council of the Common Market through the Common Market Group.

Article 27

The Joint Parliamentary Commission shall adopt its rules of procedure.

Section V

The Economic and Social Consultative Forum

Article 28

The Economic and Social Consultative Forum shall be the representative organ of the economic and social sectors and shall consist of an equal number of representatives from each State Party.

Article 29

The Economic and Social Consultative Forum shall perform an advisory function and shall take action by means of recommendations to the Common Market Group.

Article 30

The Economic and Social Consultative Forum shall submit its rules of procedure to the Common Market Group for approval.

Section VI

The Administrative Secretariat of MERCOSUR

Article 31

MERCOSUR shall have an Administrative Secretariat as its operational support organ. The MERCOSUR Administrative Secretariat shall be responsible for servicing the other organs of MERCOSUR and shall have its permanent headquarters in the city of Montevideo.

Article 32

The Administrative Headquarters of MERCOSUR shall carry out the following activities:

I. Serve as the official archive for MERCOSUR documentation;

II. Publish and disseminate rules adopted within the framework of MERCOSUR. In this context, it shall:

(i) In coordination with the States Parties, make authentic translations in the Spanish and Portuguese languages of all decisions adopted by the organs of the institutional structure of MERCOSUR, as provided for in article 39;

(ii) Publish the Official Bulletin of MERCOSUR;

III. Organize the logistical aspects of meetings of the Council of the Common Market, the Common Market Group and the MERCOSUR Trade Commission and, to the extent possible, of the other organs of MERCOSUR when these are held at its permanent headquarters. Where meetings are held away from its permanent headquarters, the Administrative Secretariat of MERCOSUR shall provide support to the State where the meeting is being held;

IV. Report regularly to the States Parties on the measures taken by each country to incorporate into its domestic legislation rules issued by the organs of MERCOSUR provided for in article 2 of this Protocol;

V. Register national lists of arbitrators and experts and perform other tasks laid down by the Brasilia Protocol of 17 December 1991;

VI. Perform any tasks requested of it by the Council of the Common Market, the Common Market Group and the MERCOSUR Trade Commission;

VII. Draft its budget proposal and, once this has been approved by the Common Market Group, take whatever action is required to implement it correctly;

VIII. Present its financial report annually to the Common Market Group, as well as an activities report.

Article 33

The Administrative Secretariat of MERCOSUR shall be headed by a Director who shall be a national of one of the States Parties. He shall be elected by the Common Market Group, on the basis of rotation and after consulting the States Parties, and shall be appointed by the Council of the Common Market. His mandate shall be for two years and he shall not be eligible for reelection.

Chapter II

Legal personality

Article 34

MERCOSUR shall have legal personality under international law.

Article 35

MERCOSUR may, in exercise of its powers, take whatever action is necessary to achieve its objectives, in particular, recruit staff, buy and sell movable and immovable property, appear in court, and maintain and transfer funds.

Article 36

MERCOSUR shall conclude headquarters agreements.

Chapter III

Decision-making system

Article 37

The organs of MERCOSUR shall take decisions by consensus and with all the States Parties present.

Chapter IV

Internal application of rules issued by the organs of MERCOSUR

Article 38

The States Parties undertake to adopt all necessary measures to ensure, in their respective territories, compliance with rules issued by the organs of MERCOSUR provided for in article 2 of this Protocol.

Sole paragraph. The States Parties shall inform the Administrative Secretariat of MERCOSUR of the measures taken to this end.

Article 39

The content of decisions of the Council of the Common Market, resolutions of the Common Market Group, directives of the MERCOSUR Trade Commission and arbitral awards for the settlement of disputes, as well as any document which the Council of the Common Market considers it necessary to publish officially, shall be published in full, in the Spanish and Portuguese languages, in the Official Bulletin of MERCOSUR.

Article 40

In order to guarantee the simultaneous entry into force in the States Parties of rules issued by the organs of MERCOSUR provided for in article 2 of this Protocol, the following procedure shall be followed:

(i) Once the rule has been adopted, the States Parties shall take the necessary measures to incorporate it into their domestic legislation and shall notify the Administrative Secretariat of MERCOSUR of those measures;

(ii) When all the States Parties have informed it that they have incorporated the rule into their domestic legislation, the Administrative Secretariat of MERCOSUR shall notify each State Party accordingly;

(iii) Such rules shall enter into force simultaneously in the States Parties 30 days after the date of the notification given by the Administrative Secretariat of MERCOSUR in accordance with the preceding subparagraph. To that end, the States Parties shall, within the 30-day period, give notice of the entry into force of the rules in question through their respective official gazettes.

Chapter V

Legal sources of MERCOSUR

Article 41

The legal sources of MERCOSUR shall be:

I. The Treaty of Asunción, its Protocols and any additional or supplementary instruments;

II. Agreements concluded within the framework of the Treaty of Asunción and its Protocols;

III. Decisions of the Council of the Common Market, resolutions of the Common Market Group and directives of the MERCOSUR Trade Commission adopted since the entry into force of the Treaty of Asunción.

Article 42

Rules issued by the organs of MERCOSUR provided for in article 2 of this Protocol shall be binding and, where necessary, shall be incorporated into domestic legislation by means of the procedures laid down by the law of each country.

Chapter VI

System for the settlement of disputes

Article 43

Any disputes arising among the States Parties concerning the interpretation, application or violation of the provisions of the Treaty of Asunción, or of agreements concluded thereunder and decisions of the Council of the Common Market, resolutions of the Common Market Group and directives of the MERCOSUR Trade Commission, shall be submitted to the dispute settlement procedures established in the Brasilia Protocol of 17 December 1991.

Sole paragraph. Directives of the MERCOSUR Trade Commission shall also be incorporated into articles 19 and 25 of the Brasilia Protocol.

Article 44

Before the process of convergence of the Common External Tariff is complete, the States Parties shall revise the current disputes settlement system of MERCOSUR with a view to adopting the permanent system referred to in paragraph 3 of annex III to the Treaty of Asunción and in article 34 of the Brasilia Protocol.

Chapter VII

Budget

Article 45

The Administrative Secretariat of MERCOSUR shall have a budget with which to pay its operating expenses and those mandated by the Common Market Group. That budget shall be financed in equal proportions by contributions from the States Parties.

Chapter VIII

Languages

Article 46

The official languages of MERCOSUR shall be Spanish and Portuguese. The official version of its working documents shall be that drafted in the language of the country in which each meeting takes place.

Chapter IX

Revisicn

Article 47

The States Parties shall, whenever they deem appropriate, convene a diplomatic conference to revise the institutional structure of MERCOSUR established by this Protocol, as well as the specific powers of each of its organs.

Chapter X

Period of application

Article 48

This Protocol, which forms an integral part of the Treaty of Asunción, shall be of unlimited duration and shall enter into force 30 days after the date of deposit of the third instrument of ratification. This Protocol and its instruments of ratification shall be deposited with the Government of the Republic of Paraguay.

Article 49

The Government of the Republic of Paraguay shall notify the Governments of the other States Parties of the date of deposit of the instruments of ratification and the date of entry into force of this Protocol.

Article 50

In matters of accession or denunciation, the rules laid down by the Treaty of Asunción shall apply collectively to this Protocol. Accession to or denunciation of the Treaty of Asunción or this Protocol shall signify, ipso jure, accession to or denunciation of this Protocol and the Treaty of Asunción.

Chapter XI

Transitional provision

Article 51

The institutional structure provided for in the Treaty of Asunción of 26 March 1991, and the organs created by it, shall be maintained until the entry into force of this Protocol.

Chapter XII

General provisions

Article 52

This Protocol shall be known as the "Ouro Preto Protocol".

Article 53

All provisions of the Treaty of Asunción of 26 March 1991 that conflict with the terms of this Protocol and with the content of decisions adopted by the Council of the Common Market during the transition period are hereby repealed.

Done at the city of Ouro Preto, Federative Republic of Brazil, on 17 December 1994, in one original in the Spanish and Portuguese languages, both versions being equally authentic. The Government of the Republic of Paraguay shall send a duly authenticated copy of this Protocol to the Governments of the other States Parties.

For the Argentine Republic:

Carlos Saul Menem — Guido Di Tella

For the Federative Republic of Brazil:

Itamar Franco — Celso L.N. Amorim

For the Republic of Paraguay:

Juan Carlos Wasmosy — Luis María Ramírez Bostner

For the Eastern Republic of Uruguay:

Luis Alberto Lacalle Herrera — Sergio Abreu

ANNEX TO THE OURO PRETO PROTOCOL

GENERAL PROCEDURE FOR HANDLING COMPLAINTS TO THE MERCOSUR TRADE COMMISSION

Article 1

Complaints filed by national sections of the MERCOSUR Trade Commission, whether emanating from the States Parties or from private individuals or legal entities in accordance with article 21 of the Ouro Preto Protocol, shall conform to the procedure established in this annex.

Article 2

The State Party making the complaint shall file it with the current presidency of the MERCOSUR Trade Commission, which shall take the necessary steps to have the issue included in the agenda of the first meeting of the MERCOSUR Trade Commission to be held after its receipt, subject to at least one week's notice. If no decision is taken at that meeting, the MERCOSUR Trade Commission shall refer the case, without further proceedings, to a technical committee.

Article 3

The technical committee shall prepare a joint ruling on the matter and transmit it to the MERCOSUR Trade Commission within a maximum period of thirty (30) consecutive days. Such ruling or, in its absence, the findings of the expert members of the technical committee shall be taken into consideration by the MERCOSUR Trade Commission when it takes a decision on the complaint.

Article 4

The MERCOSUR Trade Commission shall take a decision on the matter at its first regular meeting to be held following receipt of the joint ruling or, in its absence, of the experts' findings. A special meeting may also be convened for this purpose.

Article 5

If no consensus is reached at the first meeting referred to in article 4, the MERCOSUR Trade Commission shall transmit to the Common Market Group the various alternatives proposed, as well as the joint ruling or expert findings of the technical committee, so that a decision can be taken on the matter. The Common Market Group shall rule on the matter within a period of thirty (30) consecutive days from the date of receipt, by the current presidency, of the proposals transmitted by the MERCOSUR Trade Commission.

Article 6

If a consensus is reached that the complaint is admissible, the State Party against which the complaint is made shall take the measures approved in the MERCOSUR Trade Commission or the Common Market Group. In each case, the MERCOSUR Trade Commission or, subsequently, the Common Market Group shall set a reasonable deadline for the implementation of those measures. If the deadline passes and the State has not complied with the decision taken by either the MERCOSUR Trade Commission or the Common Market Group, the complainant State may resort directly to the procedure provided for in chapter IV of the Brasilia Protocol.

Article 7

If no consensus is reached in the MERCOSUR Trade Commission and subsequently in the Common Market Group, or if the State against which the complaint is made does not comply with their decision within the deadline provided for in article 6, the complainant State may resort directly to the procedure established in chapter IV of the Brasilia Protocol, and the Administrative Secretariat of MERCOSUR shall be notified accordingly.

The arbitral tribunal shall, before making its arbitral award and within fifteen (15) consecutive days from the date of its establishment, decide on such provisional measures as it may deem appropriate, on the terms set forth in article 18 of the Brasilia Protocol.

UNITED
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General Assembly
Economic and Social Council

Distr.
GENERAL

A/50/92
E/1995/15
7 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 114 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1995
SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: HUMAN RIGHTS QUESTIONS

Letter dated 7 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the memorandum on the violation of human and civil rights of the Serbian people in the Republic of Croatia.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 114 (c) of the preliminary list, and of the Economic and Social Council under the item entitled "Social humanitarian and human rights questions: reports of subsidiary bodies, conferences and related questions: human rights questions".

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

* A/50/50.

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ANNEX

I

The territories in which both Croats and Serbs had lived for centuries were entered into the administrative borders of the former Yugoslav federal unit of the Socialist Republic of Croatia in 1945. Never in their history have the ethnic territories of the Serbian people been part of an independent Croatian State.

The first records of Serbs in these territories date back to 822 (Frankish chronicler Ainhard). They settled in as many numbers as Croats and at about the same time. Ainhard's "Annals" recorded that Serbs had lived in the preponderant part of Dalmatia (Sorabi "quae natio magnum Dalmatiae partem obtinere dicitur"), while Croats lived in the territories west of the Cetina river.

The settlement of Serbs in greater numbers in the waste lands of Lika, Kordun, Banija and Slavonia (parts of the present-day Republic of Serbian Krajina) took place in the XVI and XVII centuries at the invitation of the then Austrian Emperor. As separate Serbian military units, they put themselves under the command of Austrians (Germans) for the purpose of defending the border from the Turks, establishing in the process a frontier zone, the Vojna Krajina (Militaergrenze), which was recognized and granted special privileges by Ferdinand I. These privileges were confirmed in the following decades and centuries. In 1622, Ferdinand II established a special status for these territories in which Serbs lived within the Austrian Empire. The Serbs were exempted from all taxes. He confirmed the special status, with elements of a State, by issuing a special patent in 1630. From the legal point of view, the Vojna Krajina could not belong to Croatia as the Croatian State ceased to exist in 1102. These facts many of the root causes of Serbo-Croatian conflicts. The Vojna Krajina played an important role in the history of Europe and in the creation of the community of the Yugoslav peoples.

The downfall of the Ottoman Empire ushered in a process of germanization and magyarization. To facilitate the process and achieve their political goals in the Balkans, Vienna and Budapest stopped at nothing to provoke Serbo-Croatian conflicts.

Since 1860s, the forcible germanization and subsequent magyarization were followed by a forcible croatization of Serbs which continued until the present day.

Following a successful completion of the Balkan wars, Serbia and the Serbian people assumed a Piedmontese role in the "rassemblement" of the South Slavs. South Slav unification was effected after World War One and the Kingdom of Serbs, Croats and Slovenes was created. The Preamble of the Treaty of Saint Germain says that the Serbs, Croats and Slovenes from former Austria-Hungary decided of their own free will to unite lastingly with Serbia for the purpose of establishing an independent and united State under the name of the Kingdom of Serbs, Croats and Slovenes.

The Kingdom of Serbs, Croats and Slovenes (the Kingdom of Yugoslavia since 1929) broke down under the attack of Germany and its fascist allies (Bulgaria, Italy and Hungary) in 1941.

On its ruins and under the German-Italian tutelage was created the Independent State of Croatia which carried out a genocide of unprecedented proportions against Serbs, Jews and Romanies.

II

Croatian policy, past and present, has been based on the ideology that there is only one, Croatian, "political", i.e. constituent, people in the Croatian State territory. It was, and continues to be, the basis of the Greater Croatia policy, the aim of which has been the creation of ethnically pure and religiously united Catholic Greater Croatia.

Through history, Croatian politicians and political parties recognized the physical existence of Serbs in Croatia, Slavonia and Dalmatia, but they refused to recognize their political individuality and constituent nature and treated them as "Orthodox Croats", with a covert or overt intention to assimilate them.

The faultline running through these lands divides Catholic Croats from Orthodox Serbs who were a wall between Islam in the East and Christendom in the West. A number of Croats embraced militant Catholicism whose ambition was to dominate over the Balkans, while the Serbs continued the struggle for the preservation of their ethnic and spiritual identity. Through history this struggle assumed different political and military forms and continues also today.

Cardinal Leopold Kolonic is considered the founder of militant Catholicism and his ideas were taken over and carried out by Alojzije Stepinac, Archbishop in Zagreb in 1941 and the vicar of the Army of the Independent State of Croatia.

The author of the racial, national and religious superiority of Croats over the Serbs was Ante Starcevic. He maintained that the Croatian people could not restore its national State without prior extermination of the Serbian people. With Eugen Kvaternik, he establish the Croatian Party of Right in 1861. Starcevic predicated his policy on the so-called Croatian State right and called for the creation of Greater Croatia from the Alps to the Prokletije Mountains. Denying the political individuality of the Serbs in Croatia, Slavonia and Dalmatia, he and his followers claimed that Serbs were "Orthodox" Croats. He also thought of Croats as a superior and of Serbs as an inferior race. The racial theory of Ante Starcevic and his Frankovci successors resulted in the Ustasa attempts to create a pure Croatian and Catholic Independent State of Croatia in World War Two. Starcevic's statements that the Serbs were a race of slaves and that, for this reason, they should be axed was put into practice in the Independent State of Croatia from 1941 to 1945. It is estimated that about 900 000 Serbs perished in the concentration camps at Jasenovac, Jadovno and elsewhere, in karst pits and village wells and in massacres in Orthodox churches.

The third genocide attempt against the Serbs is taking place today within the borders of the internationally recognized Republic of Croatia under the leadership of Franjo Tudjman. The present-day Croatian State continues the State personality of the Independent State of Croatia, as was said unequivocally by Franjo Tudjman at the first congress of the Croatian Democratic Community. "The Independent State of Croatia was not only a mere quisling creation and a fascist crime, but also an expression of the historical aspirations of the Croatian people for its own independent State and the recognition of international factors. Accordingly, the Independent State of Croatia did not represent a mere whim of the Axis powers, but was also a consequence of certain historical circumstances."

Preparing and carrying out forcible secession from the former Yugoslavia, Croatia continued also the policy of genocide against the Serbian people, the foundations of which were laid down by Ante Starcevic (Croatia elevated him onto the pedestal of the Father of the Nation) in 1861 and espoused and zealously pursued by Ante Pavelic from 1941 to 1945.

To facilitate the implementation of the genocidal policy, the Tudjman regime "expunged" the Serbs from the new Croatian Constitution (in all the Constitutions of the former Yugoslav federal unit of the SR of Croatia, the Serbs had the status of a constituent people, not of a national minority), refusing to guarantee them the basic civil and national rights.

III

FORMS OF DISCRIMINATION AND VIOLATION OF HUMAN AND CIVIL RIGHTS

The rights of the members of the Serbian people, guaranteed by international law and international covenants on human rights are violated in the most flagrant way in the Republic of Croatia.

Regardless of the statements of Croatian officials, the Serbian people in the Republic of Croatia is being persecuted, its property is usurped, Serbian houses and economic establishments are destroyed, Orthodox churches are devastated, Serbs are forcibly converted into Catholicism and their political, civil, economic, social and cultural rights are violated.

The persecution of the citizens of Serbian nationality began immediately after the Serbs were denied their status of a constituent people and the subsequent declaration of the independence and sovereignty of the Republic of Croatia.

The violence against Serbs has also the characteristics of terror as it is directed both towards the immediate object and towards other members of the Serbian people with the aim of intimidating them and of sowing uncertainty and panic in order to compel them to leave the territory of the Republic of Croatia. The mass exodus of Serbs commenced in the summer of 1991 and continues also today.

From a constituent people, the Serbs were reduced to a national minority. In that way they lost numerous national and civil rights. The Serbian language and the Cyrillic alphabet are no longer in use, while the spiritual and cultural identity of the Serbian people is denied. Papers and magazines are no longer published and radio and television no longer broadcast in Serbian. The Serbs are discriminated against on the basis of race, whereby Croatia, as Party Signatory, violates the basic provisions of the Convention on the Elimination of All Forms of Racial Discrimination.

The escalation of the war in Croatia brought about even more flagrant violations of the human rights of the Serbs in all fields and walks of life. As a rule, the most flagrant violations of human rights (war crimes, genocide, ethnic cleansing, physical maltreatment) took place in the first stage of the crisis and war. Mass killings of Serbs in the territory of the former SR of Croatia began in May 1991 and culminated in the period between November 1991 and March 1992. The mass killings were carried out especially in the territories where the Serbian population was in the majority and in cities and town outside combat areas. Lawlessness in the work of all Croatian authorities escalated dramatically at that time, primarily to the detriment of the citizens of Serbian nationality. Serbs were dismissed from their jobs, the families of Serbs and the members of the former JNA were unlawfully and forcibly evicted from their apartments and their property was destroyed on a mass scale. Serbs were harassed during police interrogations and disparaged and humiliated in their homes, in public places and in the media.

Overall pressure on the Serbs intensified after Croatian political leaders and prominent lawmen inaugurated in their public statements the principle of the collective responsibility of the Serbs for war atrocities in former Croatia and Bosnia-Herzegovina. The citizens who had fled to the areas not controlled by Croatian authorities were afraid to return to their homes because of the fear from police interrogations, accompanied by physical maltreatment.

In the second phase of the development of the situation in Croatia, especially in the period after the adoption of the Vance Plan, the most frequent human rights violations were those in the field of employment.

In the second half of 1992 lawlessness with respect to the citizens of Serbian nationality continued. They were dismissed from work and had their requests for citizenship ("domovnica") refused. There were frequent instances of the failure to take legal actions to prosecute perpetrators of serious criminal acts, in particular of mass killings and genocidal actions.

The consequences of the lawlessness against the Serbs were felt also by the Croat members of their families. The persecution of Serbs aimed also at punishing the Croats who had married Serbs since, by doing so, they had transgressed against the basic tenet of the purity of faith. This was particularly evident in the policy of unlawful evictions and the refusal to grant citizenship.

There is abundant evidence that the citizens of Serbian nationality were treated as "traitors and Cetniks", who represented a threat to the constitutional order and territorial integrity of the Republic of Croatia only because of their national origin. The media often branded them enemies of sovereign Croatia. In that way they created a very inimical environment for the Serbs, so that many of them were compelled to forgo all public engagement or organization and conceal their national origin at their place of work or while filing personal data in official forms and questionnaires. They were also reluctant to approach Serbian associations, whose interc[illegible]ssions with Croatian authorities went unheeded.

Some organs, most often military and municipal, refused even to take into procedure the requests of the citizens of Serbian nationality related to the realization of their rights, explaining them away as unfounded and excusing themselves that it was not their duty to deal with their requests in the first place. Even if they were taken into procedure, they were processed very slowly or deliberately delayed. The procedure to obtain citizenship, for instance, lasted between 6 and 12 months, while cases related to employment and housing matters lasted up to two years even though they were considered urgent.

Even the international human rights organizations which are notorious for their biased reporting of the human rights situation in the former Yugoslavia, such as Helsinki Watch and Amnesty

International, registered a large number of serious criminal acts in which the victims or aggneved parties were the citizens of Serbian nationality, so that they also deemed it necessary to voice their own opinion in this regard. The period from mid- 1993 to mid-1994 was characterized by the reduction of the number of serious criminal acts against the citizens of Serbian nationality because they had been drastically ethnically cleansed by that time, which accounted for a large reduction of the number of Serbs who still lived in Croatia. Nevertheless, the authorities continue to violate the human rights of Serbs although they resort to less violent and overt forms of violation and use the instruments and methods of latent pressure and discrimination within the legal system.

At the political level, problems are explained away as insignificant and few in numbers, serious cases of lawlessness are covered up, while even the most grievous crimes are justified as "normal reactions to the Serbian aggression".

IV
DISCRIMINATION AGAINST THE SERBIAN PEOPLE IN CROATIA IN THE FIELD OF NORMATIVE ACTS

The Croatian Constitution and the Constitutional Law treat Serbs as a national minority. The Preamble of the Constitution of the Republic of Croatia spells out that Croatia is the national State of the Croatian people, as well as the State of equal citizens. Article 14 provides for the equality of all citizens in the Republic of Croatia irrespective of their differences; Article 15 for the equality of the members of all nations and minorities; Article 43 establishes the right of all citizens to organize themselves under equal conditions; Article 68 regulates the right to the scientific, cultural and artistic creation of all citizens of Croatia. On the face of the evidence provided by these Articles of the Constitution of the Republic of Croatia, one is bound to believe that Croatia is a democratic Arcadia.

In its Election Law, the Republic of Croatia provides for the right of national communities, accounting for over 8 per cent of the overall population, to be represented in the Croatian Sabor. This provision relates in fact to the Serbian national community since this community alone fulfils the 8 per cent "threshold". However, having established this right of Serbs to be proportionally represented by a normative act, the Republic of Croatia has taken a number of measures to compel Serbs to either change nationality or religion or to leave the territory of Croatia.

The basis for the proportional representation in Parliament was the population census from 1981 (according to this census 531 502, i.e. 11.55 per cent Serbs and 379 057, i.e. 8.23 per cent of Yugoslavs lived in Croatia). According to the population census from 1991, 581 663, i.e. 12.2 per cent of Serbs and 106 041, i.e. 2.2 per cent of Yugoslavs lived in Croatia. However, it proved out that the "Yugoslav" voters were by and large citizens of Serbian nationality. For, in the municipalities in which Serbs and Yugoslavs accounted for over 50 per cent of the overall population, the Croatian Democratic Community lost the elections and the majority of seats in Parliament were held by Serbs (Vukovar, for instance).

The Law on Local Government broke up and destroyed the Serbian electoral corpus*, while the establishment of zupanije and kotars, the entire Serbian national corpus was pulverized. The Serbian ethnic wholes were unnaturally divided whereby their compact and synchronized political and every other activities were prevented.

The Law on the Election of Representatives in the Sabor of the Republic of Croatia and the Law on Election Units made it even more difficult for the Serbs to be elected into the Sabor. These laws confirmed the solutions, dictated by political interests and adopted under the influence and pressure of the Croatian Democratic Community. All this was designed to prevent the Serbian representatives in the Sabor from representing the genuine interests of their people. These arrangements opened the problem of the legitimacy of these representatives.

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*The Municipality of Knin was divided into the electoral units of Benkovac and Drnis. This resulted in Croats being the majority in 55 out of 60 constituencies and Serbs were the majority in only one constituency, in Petrinja; in the remaining four, the Serbs constituted only a relative majority. The aim of this division was to prevent the election, in the areas in which the Serbs were the majority, of the legitimate and authentic representatives of their interests.

1. **Violation of PoW Conventions**

In the second half of 1991, the Croatian military forces massively violated the Geneva Conventions on PoWs and civil population.

Hundreds of PoWs of Serbian nationality were killed and physically maltreated in the war affected areas of Croatia.

Particularly abominable was the killing of 13 reservists and soldiers on the Korana river bridge in Karlovac on 21 September 1991 by the members of the Ministry of the Interior of the Republic of Croatia and the National Guard and the killing of 12 persons, also of Serbian nationality, at Marino selo, Municipality of Pakrac, on 15 November 1991 by the members of the Croatian military. Both cases were reported by Helsinki Watch. The report says that there were instances of the torture and maltreatment of PoWs following their capture and detention by the Croatian military police. It goes on to say that there were many instances of the abuse of duty and the procedure towards PoWs in local police stations. The report, inter alia says that it appears that the Croatian forces in Sisak and elsewhere in Western Slavonia were particularly ruthless towards those they held prisoner.

Also, in the night between 12 and 13 December 1991 at Gracanica near Glina, the members of the National Guard and the students of the University of Zagreb massacred in the most brutal way 28 members of the Serbian territorial defence which they had taken prisoner. Forensic experts identified only 19 persons.

Given below are only some of the instances of the inhuman treatment of the Serbs taken prisoner in Croatia in 1991:

- Osijek, 17-22 September 1991: A group of JNA members taken prisoner at the Bela barracks spent 5 days and 4 nights in a truck trailer without food and water as members of the National Guard mistreated them in all sorts of ways, beating them, extinguishing cigarette butts on their bodies, forcing them to kneel down and to lean with their elbows on broken glass, stabbing them with knives and threatening to shoot them with pistols.

- Zagreb, Kerestinec Camp, June 1992-March 1993: Detained together were Serbian PoWs and civilians. The prisoners experienced the atrocities unimaginable to human mind.

The witness whose name is known to the State Committee for the Collection of Evidence on War Crimes spent about one month (July-August 1992) in that camp. He had been sent there, they told him, to serve the term to which he had been sentenced while lying and being interrogated in the hospital of Slavonski Brod. He had stood no trial before a court of law, neither had he been given a court decision and was instead only informed that he had been sentenced.

In Kerestinec, he was tortured with electricity by having one wire tied to his ear and the other to his sex organ. The telephone handle was then repeatedly turn round,
whereby he was exposed to high-voltage electricity shocks, which caused contractions and numbness of his body.

- Zagreb, Kerestinec Camp, January-April 1992: According to the statement of a woman witness, younger women were taken out of this camp for Serbs at night and returned after 4-5 hours. The women said that they had been raped by two or three Croatian policemen at a time.

- Witness M.P. had been employed as a driver in the Bela barracks in Osijek when the JNA soldiers from the barracks surrendered on 17 September 1991 whereafter they were taken to the Ministry of the Interior premises in Osijek where they were beaten until they lost consciousness.
Particular atrocity was the forcing of PoWs to run the gauntlet of the members of the National Guard who would beat them with rifle butts and batons, kicking them and shooting soldier Jova Banjac who died one hour later.

- Metkovic, Tobacco Station, June-July 1992: Together with the group of captured JNA officers and soldiers, the witness was incarcerated into a room of the Tobacco Station at Metkovic, three floors underground which had served as an atomic shelter. The room was 2 x 1.1m wide and 2m high and was hermetically sealed off, so that PoWs suffered from asphyxiation. When they finally opened the room, all of them were half-dead because of the lack of oxygen. They spent 7 days in this room. All along they were visited by civilians, most of them drunk, whom the guards allowed to beat them.

- Split, "Lora" Prison, June-July 1993: Witness B.K. was taken to this prison where he spent two months. They beat him there mercilessly regardless of the fact that he was a disabled person without a leg. Once they forced him to lie down naked on the wet floor, whereafter they tied the wires of the induction telephone to his ear and a toe of his left foot and switched electricity on. Electricity shocks caused contractions and great pain as it was switched on and off until his mouth started to bleed.

- Witness N.K. spent in the same prison only one day. Immediately upon arrival, he was led to a meadow together with ten other prisoners. Croatian military policemen appeared soon after, carrying metal pipes about 50cm long and 3/4 inch thick. They beat them with the pipes all over their bodies even though the witness had been wounded.

Witness N.K. had his right arm broken in three places, his left arm in two places and his shoulder in one place. The beatings lasted for two hours and when he fell down, the policemen kicked and stamped upon him. On that occasion they broke his teeth.

- During the month and a half he spent in "Lora", witness P.B. was humiliated in all sorts of ways and beaten most mercilessly even though he had been wounded.

On three occasions, they brought over boys aged between 7 and 8, took prisoners out of their cells, (witness P.B. was also among them), forced them to sit on the concrete floor, put boys on chairs beside which the prisoners were seated and the boys would wet over them from above.

According to as yet unconfirmed data, 95 camps for Serbian PoWs and civilians and military persons have been registered in the territory of the Republic of Croatia. Not a small number of these camps were Pavelic-type concentration camps in the full meaning of the word, in which Serbs were tortured and killed. The camps were at the following locations: Bjelovar (prison on the Ministry of the Interior premises); Varazdin; Vinkovci; Brgorac (prison); Vukovar (Borovo "Komerc"); Vukovar (Borovo "Nova obuca"); Vukovar (Hangar at the airport); Vukovar (school under construction at Borovo Naselje); Vukovar (kindergarten near the Municipality Building); Vukovar (basement in the Municipality Building); Vukovar (atomic shelter); Vukovar ("Drvopromet" warehouses); Vukovar (catacombs under the cemetery); Vukovar (Ruthenian Church); Vukovar ("Vladimir Nazor" School); Vukovar (Luzac); Vukovar ("Abazis" warehouses); Vukovar (Erceg Palace, Chapel); Vukovar (Ministry of the Interior); Vukovar (Military Department); Gospic (Smiljane Camp); Gospic (District Prison); Gospic (village of Zablato); Gospic (brick factory in the village of Perusic); Gospic (Trnovac Zablato); Grubisno Polje ("Bilogora" Hotel); Daruvar; Dubrovnik ("Excelsior", Military Police Headquarters); Dubrovnik (Villa "Palma"); Dubrovnik (District Court); Dubrovnik ("Zagreb" Hotel on the island of Lapad, Military Police Headquarters); Djakovo (Prison); Zadar (Borik); Zadar (Airmen's Club), Zadar ("Velimir Skorpik" school); Zagreb (Vlaska ulica, Ministry of the Interior); Zagreb (Cemomerec, bricks factory); Zagreb (Vukomerec Infractions Prison); Zagreb (Gajeva ulica 3, Former Military Interrogation Prison); Zagreb ("Marshal Tito" barracks); Zagreb (Kerestinec); Zagreb (Kuniscak); Zagreb (Remetinec, Rajtariceva ulica); Zagreb (Petrinjska ulica 12 and 18); Zagreb (Selska ulica, former JNA barracks); Zagreb (Trstenik); Zagreb (Cemomerec); Imotski; Karlovac; Lepoglava (Penitentiary); Lipik; Lipovac; Marino selo (Fisherman's Hut near Daruvar); Metkovic (Prison); Metkovic (village of Duboka); Metkovic (Radio Station); Metkovic (Sports Hall); Metkovic (Tobacco Station, basement); Nasice; Nin; Nova Gradiska (Ministry of the Interior prison); Nova Gradiska (prison in the military barracks); Nova Gradiska (basement of the High School building); Novska; Ogulin; Orahovica; Osijek (Ministry of the Interior); Osijek (Red Barracks); Osijek (camp on the Stadium); Pag (Slano); Pakrac (basement of a department store); Ploce; Podravska Slatina; Pula (Katarina); Pula (Krecnjevica); Pula ("Valtura" Penitentiary); Rijeka (Cijotina, 29th garrison prison); Rijeka ("Via Roma" Ulica zrtava fasizma); Sinj (the former JNA barracks "First Split Partisan Detachment"); Sisak (the refinery garage); Sisak (Ministry of the Interior); Slavonska Pozega (District Prison); Slavonski Brod (basement and the bowling alley of the "Kod Bardaka" Cafe); Slavonski Brod (basement of the Public Security building); Slavonski Brod (camp in the Fire Department building); Slavonski Samac; Solin (Bilice); Split (Katalinica Brijeg); Split ("Lora"); Split (Dracevac, former JNA barracks); Split, Bilice (between Split and Solin); Trogir; Turopolje; Sibenik (Mandalina prison) and Sibenik (Subicevac).

2. Ethnic cleansing and unlawful arrests

Since 1 June 1991, the authorities of the Republic of Croatia have expelled more than 350 000 Serbs from the territories under their control. The ethnic cleansing was carried out by various methods:

physical liquidations and the incarceration in camps and prisons, organized destructions of Serbian houses, forcible evictions, dismissals from work, prevention of religious life, refusals to grant Croatian citizenship, etc.

The ethnic cleansing of Serbs was carried out everywhere in the Republic of Croatia, particularly in Western Slavonia. Serbian villages were systematically burned and destroyed. According to the data collected since 15 August 1992 (Report of the Serbian Sabor on the persecution of the Serbian people and the ethnic cleansing of Western Slavonia by the authorities of the Republic of Croatia, published as an official document of the General Assembly of the United Nations), Croats completely ethnically cleansed 183 Serbian villages and 10 towns, while 87 villages were partially cleansed.

In the Report of the United Nations Secretary General of 15 May 1993 (S/25777), it is said that 250 000 Serbs were expelled from Croatia. These data include only the registered cases of the expulsion of Serbs who found shelter in the Republic of Serbian Krajina and in the territory of the FR of Yugoslavia.

Most of the Serbs were expelled from a large number of Croatian cities and towns by most perfidious methods: 30 000 from Karlovac; 28 000 from Zadar; 20 000 from Sisak; 5 000 from Gospic; 15 000 from Sibenik; 10 000 from Vinkovci; 10 000 from Slavonski Brod and 10 000 from Daruvar (Documented data on ethnic cleansing in Croatia were forwarded by the Government of the FR of Yugoslavia to the United Nations on several occasions, including the 4 Reports of the Government of the FR of Yugoslavia on War Crimes under Security Council resolution 780).

Also, according to the data of the European Union Monitoring Mission in Zagreb, 500 Serbs leave Croatia every day even today basically for the Republic of Serbia, Republic of Srpska and the Republic of Serbian Krajina.

Dr. Dusan Bilandzic, current Deputy Head of the Office of the Republic of Croatia in Belgrade, said at the meeting of the State Committee for the Normalization of Croatian-Serbian Relations, held in Zagreb on 24 May 1993, that 250 000 Serbs had left the territories under the sovereignty of Croatia. "An intimate desire for ethnic cleansing is hidden behind the acts of the Croatian State authorities," Dr. Bilandzic went on to say.

Given below are some typical examples:

- An exhaustive list of the "enemies" of the sovereignty of the Republic of Croatia was published by the Croatian armed forces in Daruvar in the beginning of 1992. This list was published in the form of a booklet entitled "Who Is Who in Daruvar" and contains a short Foreword and the names and surnames of 6 521 Serbs from 35 settlements of the Daruvar Municipality who, by voting for the Serbian cultural autonomy at the autumn 1990 referendum, allegedly sowed the "seeds of evil" in Slavonia. After the publication of the booklet, a mass exodus of Serbs from this area ensued.

- 10 000 citizens of Serbian nationality left the local communities of Kozari Bok and Kozari Put at Pescenica under pressure, abandoning all their property. The perpetrators are known, but they have never been called to account for their deeds.

- Vodice, June-December 1991: Witness B.M., who had been employed as a cook assistant in a hotel at Vodice, was isolated like all other Serbs at his place of work after the election victory of the Croatian Democratic Community. Their Croat workmates kept away from them, hotel manager Stipe Loncar told them in June 1991: "Things will get very tough for you. You Serbs better don't come to work and leave this place altogether." After this warning, frightened Serbs no longer showed up.

- Village of Dragisic in the vicinity of Vodice, in which witness B.M. had lived, was surrounded in September 1991 by the members of the Croatian military. Serbian children stopped going to school in the nearby village of Cista Mala. The village Serbian Orthodox church was shelled also during these days. Serbian houses were destroyed and the village no longer exists.

- Bibinje near Zadar, 2 May 1991: A large group of the citizens of Zadar and Bibinje carried out organized violence against the property of the citizens of Bibinje of Serbian nationality with the aim of compelling them to leave their village. On that occasion, 37 Serbian houses were demolished and destroyed. Their business premises and houses were looted which resulted in a mass exodus of Serbs from Zadar and its vicinity.

- Zadar, 2 May 1991: A large group of the citizens of Zadar of Croatian nationality carried out organized violence against the citizens of Zadar of Serbian nationality with the aim of compelling them to leave the town. Over 100 Serbian business premises and houses were burned down. All of them were looted which resulted in a mass exodus of Serbs from Zadar. The branch offices of companies headquartered in Belgrade were devastated and looted: "Novi dom", "JAT", "Putnik", "Avis", "Beko", "Merkur", "Kluz", "Beteks" and others.

- Village of Ratkovica, Municipality of Slavonska Pozega. December 1991 and the first half of 1992: Powerful pressure was brought to bear on Serbs in this village with the Croatian majority in order to compel them to leave the village. The Serbs were taken to the police, interrogated, threatened in all sorts of ways and their houses were shot at at night. On Catholic Christmas Eve 1991, a bomb was thrown into the courtyards of Milan Vujcetic and Nedeljko Treskavica. Soon after, in the first half of 1992, the houses of 8 Serbs were dynamited and destroyed. In addition to the living quarters, the economic and other auxiliary buildings of Serbs were destroyed and their haystacks were burned. There were no combat operations in this village and the nearest place in which combat operations did take place was 50km away.

The arrests and maltreatment of the Serbian population were the most frequent violations of human rights, caused by the abuses of Croatian military and civilian authorities.

Even Croatian officials confirmed that more than 30 000 criminal proceedings were instituted against the members of the Serbian nationality in Croatia. Some of the numerous cases of arrest are given below:

- Milan Grba, pensioner, former head of the Centre of State Security in Karlovac was detained by the police in Rijeka after allegations in "Vecernji List" and "Slobodni tjednik" that he was a "Cetnik slaughterer" and that he had committed crimes against the Croatian population. Even though it was established during investigation that he had been at his sister's in Uzice during the time of the commission of the crimes, he was detained. His sister, employed in the police station in Rijeka, had to leave her job under pressure and the accusations that she was "leaking secret information".

- At the end of 1991, Dane Drakula was arrested in Gospic. In February 1992, he was released from prison. After his arrival in Rijeka and subsequently in Pula, he was arrested again together with other 13 citizens.

- On 12 March 1993, the police in Rijeka took away 3 citizens of Serbian nationality from the apartment of Ljubica Bozanic. They were detained in the police station without a reason where they were maltreated and beaten. On that occasion, Dusan Dobrota, who had lived and worked in Rijeka for about 20 years, was beaten and seriously injured only because he had been born in the municipality of Knin. The perpetrators, local officials, remained "unknown".

- On 30 December 1991, the members of the Virovitica bojna (company) arrested 36 Serbs in Daruvar, including women. Having spent three days in a dark basement, the arrested people were released on 2 January 1992. Some men were beaten.

3. Ruthless killing of civilians and disappeared persons

Mass crimes against, and the liquidation of, Serbs in the Republic of Croatia were carried out for the purpose of the ethnic cleansing of Croatian territories and the creation of a pure Croatian State.

According to available data, obtained by the investigation of Croatian crimes against the Serb population, the preponderant victims of the killings and massacres were older men and women.

A large number of Serbs was killed. The exact number of the victims is not always easy to establish. These crimes were reported also by "Helsinki Watch", "Amnesty International" and other organizations for the protection of human rights. Some of the killings could not remain unreported even in the strictly controlled Croatian information media. The general characteristic is that the Croatian authorities have not completed the investigation in any of these cases, sentenced the perpetrators of the crimes or informed their public thereof.

Given below are some cases of these killings:

- From 15 October 1991 to 31 March 1992 about 2 500 Serbs were killed at Marino selo and Pakraska poljana by the death squads of Tomislav Mercep, the current Assistant Minister of the Interior of the Republic of Croatia. Drawing upon their own data, the associates of the Information Centre of the Serbian Sabor accused in their letter to the Secretary-General of the United Nations of 19 February 1992 Franjo Tudjman for the killing of 12 Serbs from the village of Kip, Municipality of Daruvar, in the death camp at Marino selo.

- The case of the killing of the three members of the Serbian family Zec in Zagreb is frightening. The perpetrators of this heinous crime, Sinisa Rimac, Munip Suljic, Nebojsa Hodak and Igor Mikula, were acquitted because of the alleged failure of the court to honour procedural formalities. In this way the Croatian authorities gave a signal for the continued killing and looting of the Serbian population in the Republic of Croatia.

- In the second half of October 1991, the members of the special units of the Ministry of the Interior and the National Guard of the Republic of Croatia picked 490 prominent Serbian civilians from Gospic from a prepared list, bundled them up in trucks and liquidated them the following night in the karst pits of Mt. Velebit. The bodies of only 24 Serbs were found and identified and the relevant data are kept with the State Committee for War Crimes.

- Medak Pocket near Gospic, 9-13 September 1993: Janko Bobetko, Commander of the Supreme Headquarters of the Army of the Republic of Croatia, ordered the combat operation "Scorched Earth" for the purpose of taking the area of "Medak Pocket" in the UNPAs. The operation plan envisaged a sudden surrounding of the Serbian villages of Divoselo, Pocitelj and Citluk, liquidation of the population and the total destruction of the settlements. In carrying out the order the members of the units of the Army of the Republic of Croatia ("Croatian Wolves", 1rst Company of the National Guard) killed and massacred over 100 Serbs. Janko Bobetko conferred medals on a large number of soldiers and officers who had excelled in that action.

Tomislav Mersep, commander of a special unit of the Ministry of the Interior of Croatia, also participated in this action. UNPROFOR also reported of the atrocities of the Croatian military forces in the Medak Pocket.

- On 5 September 1991, the members of the 1rst Brigade of the National Guard killed 8 Serbs over 50 years of age in the village of Gredjani (Nova Gradiska).

- On 29 October 1991, the Croatian authorities issued an order for the deportation of the population of 28 villages in the Western part of the Municipality of Slavonska Pozega. On 10 December 1991, Croatian soldiers liquidated the Serbs who refused to leave their homes (43 Serbs were killed only in one day).

- On 29 December 1991, the members of the 123th Brigade of the National Guard killed 16 Serbs, most of them old people, in the villages of Gornji, Srednji and Donji Grahovljani (Pakrac).

- In the night between 12-13 December 1991, 18 Serbs were killed in the village of Paulin near Vinkovci.

- On 21 June 1992, 41 persons of Serbian nationality were killed on the Miljevacki Plateau and it was never possible to identify their bodies (this crime was condemned by Security Council resolution 762).

- The members of the Radosavljevic family, Radovan (1956), Jovanka (1960), Dejan (1978) and Nenad (1982) were killed on 25 February 1992 in their house in Daruvar and were buried on 28 February 1992 in the graveyard of the village of Imsovac, Municipality of Daruvar. They were killed by the members of the Croatian military police (one of the perpetrators was Croat Jozica Mudri, about 23 years old). Criminal proceedings were instituted against them in Croatia but they were dropped due to the "lack of evidence".

- Between July 1991 and March 1992 a large number of people was either killed or disappeared, but only 40 of them were identified. It is believed that this number was much higher. In its letter to the President Tudjman of 17 March 1993, the Serbian community in Croatia put that number at 400.

4. Various forms of pressure, threats and maltreatment

Whenever speaking of Serbs in Croatia in his public appearances since his election as Head of State, Franjo Tudjman always ended his statements with threats whose sole aim was the intimidation of Serbs. Speaking on "Bread Day" (October 1993), for instance, he used the opportunity to threaten the Serbs both in Knin and in Zagreb, calling on the latter "to bring their fellow Serbs in Krajina to their senses".

At the end of July 1993, the President of the Republic of Croatia called on prominent Serbian intellectuals to help find a solution to the Serbian question in Croatia. On that occasion, he warned that it would not be possible to guarantee security to the Serbs living in cities and towns under the control of Croatian authorities if armed conflicts escalated in Krajina.

Ominous public rehabilitation of the Independent State of Croatia began at the first party congress of the Croatian Democratic Community by the statement of its leader Franjo Tudjman to the effect that "the Independent State of Croatia was not only a fascist creation, but also an expression of the centuries-old aspiration of the Croatian people for an independent State."

After the victory of the Croatian Democratic Community, a "hunt" was unleashed in Zagreb against all things Yugoslav and Serbian in the period from March 1990 to November 1991. Graffiti

reading "Serbs Out", "No Admission to Dogs and Serbs" (this was written in the underground passage at Vrac), "No Admission to Serbs" (displayed in many shopwindows) and "Long Live Ante Pavelic" or just the initial letters thereof in Serbo-Croatian "ZAP" cropped out all over the city.

A mass exodus of the citizens of Serbian nationality from Zagreb ensued, of which a few examples are given below:

- Of the total number of 5 300 workers in the "Nikola Tesla" telecommunication plant where witness J.V. had worked, 420 of them were Serbs. Things for the Serbs in this plant went from bad to worse since stricter work and discipline measures and rigorous control were introduced against them. Their absence from work was related to the on-going developments - armed conflicts - and insinuations were made that they went to fight on the Serbian side during weekends. When a son of Croatian woman Ana Vojtosek was killed as a member of the National Guard, the Croatian women working in the plant tried to lynch their Serbian workmates.

- Due to omnipresent pressure and threats, workers of Serbian nationality began to leave the plant en masse. When witness J.V. was forced to tender her resignation, she was told in the Personnel Department that she was the 50th Serbian woman leaving the plant. Witness J.V. had to leave Zagreb and she now lives with her family in Serbia as a refugee.

- A circular questionnaire was handed out in the Virovitica sugar plant in which workers were requested to answer if they wanted to work with Serbs. The veracity of the questionnaire was confirmed by Rudolf Brijacak, MP in the Sabor of the Republic of Croatia.

- A list of houses of the citizens of Serbian nationality was made at Dramalj near Crikvenica. Pressure was being brought to bear on Serbs to leave the place.

- The Petrovic family from Jaksic, Municipality of Pozega, was threatened on several occasions by the Croatian military. On 2 March 1992, a bomb was thrown into their sleeping room.

- Due to various forms of pressure against the citizens of Serbian nationality, there are frequent cases of people changing their names and surnames in Split, Rijeka and other towns.

- A box of human flesh was left in the Orthodox cemetery in Dubrovnik on 1 December 1994. It was the placenta taken over on a parturition in the Dubrovnik Hospital Maternity Ward. The big box also contained three bags leaking blood on a charnel house. In the words of the local sexton, such packages arrive to this cemetery two times every month.

- On 12 December 1994, 40 pupils of the elementary school in Cavtat about 10 years old insulted and stoned their teacher Slavojka Kovacevic-Glavic because her father was Serb. The teacher was hit with stones, bottles and petards, while children shouted at her "Cetnik woman" and "We shall beat you to death with sticks". Unconscious, she was taken to the hospital. The principal and other teachers of the school watched the lynching of their colleague. It is interesting to note that in December 1992 she was made redundant and dismissed.

5. Demolition of houses and apartments and the destruction of property

The destruction of property and burning down of villages have been the most frequently used and the most effective means of Croatian authorities for the ethnic cleansing of Serbs. The destruction of Serbian property outside the war-affected areas was typical for the entire war period. Even though the arrival of UNPROFOR put an end to the fighting, the systematic destruction of Serbian houses, apartments and economic establishments continued as a premeditated action of Croatian authorities in Western Slavonia from Bjelovar to Pozega during 1992, the aim of which was to prevent Serbs from returning, to keep possible returnees in constant fear and to create insecurity and anxiety amongst them.

It is estimated that thousands of Serbian houses, apartments and economic establishments were burnt and demolished in Zadar, Zagreb, Karlovac, Osijek and elsewhere in Croatia. Nobody was called to account for these crimes, let alone sentenced. Only some of the perpetrators were detected.

- According to an August 1991 statement of I.Vekic, the then Croatia's Interior Minister, there were 2 495 instances of the planting of explosive devices and of arson. 1 493 cases related to living quarters, 1 002 to hotels, restaurants, shops, automobiles, railway lines, newsstands, National Liberation Movement Memorials and places of worship.

- In Ogulin, 66 establishments owned by Serbs who had been forced to leave the town were dynamited.

- Since 1991, 180 Serbian houses and apartments have been burglarized in the area of Osijek, 300 houses and shops owned by Serbs dynamited and 3 terrorist attacks committed against other Serbian establishments and churches. According to the report of the police station in Karlovac, 177 establishments (private houses, restaurants, shops, business premises, kiosks, automobiles) owned by Serbs were dynamited in this region.

- According to a statement of the Head of the Police Department, Ante Devcic, 207 cases of the planting of explosive devices were registered in Zagreb (In all these cases the citizens of Serbian nationality were involved).

- About 130 Serbian houses were dynamited or burned in the region of Novska and an unknown number of houses, shops and restaurants destroyed in the Municipality of Virovitica.

- According to the statements of some citizens of Split, about 200 establishments owned mainly by the citizens of Serbian nationality were dynamited in this town until the end of December 1991.

- According to numerous statements which it has not been possible to verify, made by the citizens who fled Zadar, about 1 300 establishments were destroyed in this town. That these data might be accurate was confirmed by a report in the "Novi list" of Rijeka which carried a statement of a Zadar police official to the effect that this number could indeed be accurate considering the number of establishments destroyed in Zadar and its vicinity.

- In over 20 villages in the Municipality of Podravska Slatina, most of Serbian houses were destroyed, burned down and looted.

- Over 30 Serbian houses were either dynamited or burned down in Podravska Slatina itself. This explains the fact that, out of 52 per cent of the Serbs who had lived in this town before the outbreak of armed conflicts in Croatia, only 2 per cent remained. It is important to note that there were no combat operations in this area so that the exodus of the Serbs was not caused by combat operations.

- Over 100 Serbian houses were dynamited in Daruvar and surrounding villages. The dynamiting continued even after the deployment of UNPROFOR. Before they were dynamited, the houses were looted.

- In the night between 25 and 26 September 1991, 80 per cent of Serbian houses were burned down in the action of "cleansing" taken by the Croatian military in the village of Brlog, Municipality of Otocac. Over 30 families were made homeless. The representatives of the International Red Cross toured the village of Brlog on 10 April 1994 and established that Serbs no longer lived there.

- Six Serbian houses belonging to Milenko Pavlovic, Nikola Stakic, Dane Pavlovic, Veljko Stakic, Dragan Petric and Nedeljka Paripovic were destroyed at the end of May 1992 in the village of Studenci, Municipality o Gospic, in which both Serbs and Croats lived.

- In mid-December 1992, villager NN of Zavrsje near Slavonski Brod had his economic establishments destroyed and his livestock slaughtered, while his house was subsequently dynamited four times and thus rendered uninhabitable.

- The United States Ambassador in Zagreb, Peter Galbraith, also spoke publicly about the destruction, burning down and looting of Serbian houses. During a meeting at the University of Zagreb held on 30 September 1993, he inter alia said: "Is it possible to call an accident or a necessary accompanying phenomenon of the war the fact that about 10 000 Serbian houses were dynamited in the areas controlled by Croatian authorities."

6. Destruction of churches and places of worship

The Croatian authorities used the crisis and war in Croatia (1991-1994) to realize the idea of Ante Starcevic and to finish the expulsion of Serbs from their ethnic territories commenced by Ante Pavelic. The first victims of the war were churches and other places of worship of the Serbian Orthodox Church. These destructions had been meticulously planned. The coordinated vandalism of Croatian authorities (military, civilian or church) in the destruction of religious establishments (some of them date as far back as the XVII century, while some of the destroyed priceless exhibits were from the XIII and XVI centuries) is therefore not surprising at all.

- In the five eparchies of the Serbian Orthodox Church in the territory of the Republic of Croatia, 294 churches were either destroyed or damaged (139 churches were destroyed, 36 of them were dynamited, 30 burned and 11 shelled; 155 churches were damaged, 10 of them were demolished and 10 looted); 1 monastery was destroyed and 6 damaged; 2 bishop's residences were destroyed, one of which

was looted); 4 bishop's residences were dynamited, 3 were shelled and one looted (8 on aggregate); 69 bishop's homes and other church establishments were destroyed, 47 of them were dynamited and 22 burned; 41 parish's homes and other church establishments were damaged, 29 of them were demolished and 12 looted; 14 chapels were destroyed and 14 damaged; 16 graveyards were destroyed and 14 damaged; a church museum was destroyed; 2 church archives were destroyed; one library was looted, 2 burned down and 1 destroyed.

- The library of the Orthodox Church in Pakrac, established 1690, was destroyed.

- A particularly grave act of vandalism was the dynamiting of the seat of the Zagreb eparchy and the museum of the Serbian Orthodox Church in Zagreb with the exhibits dating back to the XIII and XVI centuries, carried out on 11 April 1992 by the planting of an explosive device.

The Croatia media reported of the damage done to the museum, but they did not say anything about the dynamiting and devastation of the seat of the Zagreb eparchy.

The explosion damaged the invaluable museum exhibits. The collection consisted of 62 icons, 13 hand-written service books, charters dating from between the XIII to XIX centuries many of which printed in Cyrillic letters, 10 samples of church embroideries from the XVIII century, many other books, old archives, about 100 icons and about one hundred valuable church items.

- The building of the Eparchy of the Serbian Orthodox Church in Karlovac was destroyed.

- All churches in the Slavonski Brod area were destroyed or burned down.

- On 21 December 1994, the Orthodox Church of the Resurrection of Virgin Mary in Osijek was dynamited and damaged.

At the same time, Orthodox priests were arrested and ill-treated because of which many had to leave the Republic of Croatia.

7. Dismissals from work and the violation of labour relationship rights

Unequal treatment of, and discrimination against, Serbs in employment had been very much in evidence in the Socialist Republic of Croatia even before its secession and the outbreak of armed conflicts. With the escalation of conflicts, the discrimination against Serbs also escalated and threatened their existence.

In the 1990-1993 period, the Serbs in the Republic of Croatia were dismissed en masse. The greatest number of them was dismissed from the State administration, judicial organs, financial institutions, the media and from managerial positions. The explanations proferred were that they had been "privileged" in the first place as members of "communist" nomenclature, that they were "unqualified" and that after all they were the "victims of the economic crisis" like everybody else.

Many Serbs said that immediately after they had been dismissed allegedly as redundant, Croats were given the same jobs.

Violations of labour relationship rights consisted primarily of removing Serbs from responsible and well paid jobs to less responsible and less paid jobs and in unlawful dismissals. This practice reduced the Serbs' income and increased their existential fears.

On 11 February 1992, the Ministry of Labour, Social and Family Protection issued an instruction to the effect that the return and re-employment of persons who "had taken to the woods and engaged in hostile activities against the interests of the Republic of Croatia" be prevented. The instruction affected in particular the Serbs who, under pressure, had been forced to leave their permanent places of residence. The few of those who did return nonetheless were being interrogated, denied employment opportunities and maltreated in various other ways.

Given below are some typical cases:

- Systematic ethnic cleansing of Croatian ministries and institutions from Serbs has gone on since the 1990 elections in the Republic of Croatia.

- In October 1990, the then Defence Minister of the Republic of Croatia, Martin Spegelj, ordered 20 Serbs to leave their jobs in the Defence Ministry within one hour. In mid-1992, the same Ministry dismissed other 60 Serbs. Serbs no longer work in the Defence Ministry of the Republic of Croatia.

- In the early summer of 1991, the City Water Supply Company of Zagreb purged all those that were considered "unreliable". In a discussion in the City Assembly of the "personnel situation in the Company", it was said that there were too many Serbs and that they were potential enemies (of 1 033 employees in this Company, only 59 were Serbs).

- On the basis of the decision of the Commissariat of the Government of the Republic of Croatia that persons who had signed the petition that the Daruvar Municipality be annexed to "the Serb Autonomous District of Krajina" could not work in the "State administration of the Republic of Croatia", disciplinary measures were taken against Serbs and 25 of them were dismissed. 7 Serbs were dismissed from the local government administration in Daruvar; 2 in the People's University, 5 in the Secondary School Centre, 1 in the Medical Centre, while other dismissed Serbs had worked in elementary schools in Daruvar, Sirac and Dezanovac.

Furthermore, on the basis of the booklet "Who is Who in Daruvar?", dismissals of Serbs, primarily from local government administration and then from companies and institutions, continued in Daruvar.

- Typical examples of the "cleansing" of the police from Serbs were the dismissals of 37 Serbs, out of 72 officers, from the Podravska Slatina Police Station. Similar "purges" were carried out in local government administration.

- The few remaining Serbs in the Zagreb Police Headquarters were subjected to pressure. The customary method of pressure were frequent transfers from station to station. Not even Croats married to Serbs were spared.

- At the end of 1991 and early 1992, Serbs were dismissed en masse from the "Slavija" trade company of Zagreb to prevent them from buying the Company shares.

- The general manager of the "AIPK" trade company of Zagreb was prohibited to enter the company's premises only because he was a Serb.

- Serbs were also dismissed from the Social Insurance Fund of Zagreb.

- On 9 September 1991, a group of workers in the "TOP" company of Zagreb requested from their general manager to ban Serbs from that company only because of their nationality.

- In June 1992, the Railway Transport Company of Zagreb dismissed 14 Serbs despite the fact that many of them had signed the loyalty declaration to Croatia as early as 1991.

- The instruction of the Education Ministry of the Republic of Croatia to the effect that Serbs could not teach the Croatian language, although they had adequate qualifications and had taught it for years, was particularly galling.

- Mass dismissals followed the decision of the Government of the Republic of Croatia to dismiss unqualified workers, but the criteria used were not qualifications but nationality. The example of "The Bank of Split" was very illustrative. 52 employees were dismissed, mostly those who had declared themselves as Serbs and Yugoslavs.

8. Forcible moving into apartments (evictions)**

A particularly effective form of pressure on Serbs in the Republic of Croatia have been unlawful eviction of Serbs from their apartments and the occupation of these apartments by Croats. After futile attempts to protect their rights, most of them decide to leave their homes and Croatia for ever.

Unlawful evictions exemplify in the most telling way the organized terror of the Croatian State and the great nationalistic exclusiveness of Croats. They are in outright contradiction with the assertions of Croatian officials and Croatian representatives in international organizations that Croatia is a democratic State. The gravity of the problem of the eviction of Serbs from apartments and the serious violations of the basic human rights are evinced by the fact that the United Nations Special Rapporteur for Human Rights in the Former Yugoslavia, Tadeusz Mazowiecki, addressed a letter to Croatian Deputy Prime Minister and Foreign Minister Mate Granic to the effect that the practice of unlawful and forcible evictions continued in Croatia. He warned that it was the duty of the Croatian Government, in accordance with its international commitments, to take effective measures to end the unlawful and

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**At the meeting discussing unlawful evictions in the Republic of Croatia, held in Zagreb on 2 and 3 November 1994, the President of the Croatian Helsinki Committee, Ivan Zvonimir Cicak (the organizer of the meeting) inter alia said: "Since the beginning of the war, 2 000 apartments have been taken over, legally or illegally, in Karlovac. And if Karlovac is taken as a statistical sample for the 4.5 million population of the Republic of Croatia, the number of persons in Croatia evicted from their apartments could be expressed in tens of thousands of families. There have been similar examples in other towns of the Republic of Croatia."

forcible evictions which constituted serious violations of human rights. The Special Rapporteur reported that there had been about 5 000 unlawful and forcible evictions in the Republic of Croatia.

The problem of unlawful evictions was pinpointed also in the State Department report on the human rights situation in Croatia, published in early March 1994. It is said in the Report that these evictions have not ceased despite official Croatian promises.

Given below are only some of the numerous cases of unlawful evictions:

- According to incomplete data, 2 000 apartments in Karlovac left by Serbs under pressure or expelled to the Kordun area have already been unlawfully re-possessed by - Croats. As it is known that about 30 000 Serbs have been expelled from Karlovac, it is to be assumed that new tenants in the remaining apartments will be Croats in which way the Croatian authorities prevent Serbs from returning to their homes.

- Miroslav Kuljanin, former police officer in Zagreb, was forcibly and unlawfully evicted from his apartment by the Croatian police.

- In December 1991, Ljiljana Subasic's apartment was raided by a group of Croatian soldiers who ordered her to leave her apartment. She left the apartment and her job and fled to Slovenia.

- During their absence for medical treatment, Pera and Nevenka Scekic's apartment in Zagreb was forcibly occupied by a group of Croatian guards.

- During her absence for family reasons, Nedeljka Prica's apartment in Zagreb was forcibly occupied by a member of the Croatian army.

- Todor Ilic from Zagreb left temporarily Zagreb because of threats, which circumstance was used by a member of the Croatian army to move into his apartment.

- The apartment of Miroslava Sekulic from Zagreb was forcibly occupied by a member of the Croatian army, Drazen Culjat, with the permission of the Defence Ministry of the Republic of Croatia. On that occasion, he threw out Miroslava and her 8-month pregnant daughter-in-law. The military and civil police refused to intervene.

- On 7 February 1992, Ankica Dabic's apartment in Zagreb was forcibly occupied by Croatian police officer Davor Ramljak.

- On 6 April 1992, the apartment of Momir Kelecevic at Djure Pucara 19 in Zagreb was forcibly occupied by a Croat by the name of Dabic.

- During his hospitalization, the apartment of disabled person M.M. from Karlovac was unlawfully occupied by members of the Croatian army.

- Milos Stojic from Karlovac, professor, was hospitalized towards the end of 1991 and at the beginning of 1992. His apartment was burglarized and looted during that period and an unknown person moved into it. He took necessary action to have the apartment returned, yet he received no reply. He interceded with the competent authorities of the Republic of Croatia (including the President of the Republic), but all his intercessions were to no avail.

- Radmila Rakovic from Daruvar, a chemistry engineer, was pensioned as a disabled person. During her medical treatment abroad, nobody lived in her apartment. By its decision of 4 November 1994, the local Zupanija authorities allocated her apartment to another person. By Sisak District Court decision No. P-791/94, she had the apartment returned, but the present tenant refuses to move out. He is backed by the Sisak Foundry, the owner of the apartment. She filed another suit, but the process is very slow since the defendant refuses to attend court hearings.

A particular problem are former JNA apartments* allocated in 1991 to a number of retired officers, civilians who worked for the JNA and active officers. All these persons received necessary documents from the JNA Housing Department. However, on

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***Ivan Zvonimir Cicak said in his introductory statement at the meeting referred to above that, according to the data presented by former President of the Housing Commission of the Croatian Defence Ministry Modrusan in his interview to the "Vjesnik" daily (1993), the Croatian authorities had taken over 53 000 apartments from the JNA. However, according to the information presented recently by former Deputy Prime Minister and present Vice-President of the Sabor Vladimir Seks the Croatian authorities took over 38 268 apartments. The Government has yet to explain the "disappearance" of about 15 000 apartments, to say whether it took them over or not.

24 July 1991, the Croatian Government adopted a decision prohibiting use of the immovable property of the JNA and the Federation. Proceeding from this decision, in mid-1992, the Croatian Defence Ministry began eviction of all tenants through municipal organs. It alleged that officers and civilians who had worked for the JNA had moved into the apartments unlawfully, although they possessed legal documents issued by the former JNA. This conduct was all the more unlawful as the former military housing regulations had been cancelled by the Republic of Croatia only on 8 October 1991. In this way, about 4 500 military apartments have been seized.

The greatest number of unlawful evictions took place in Split (1 500 families were evicted in the last two years) and Zagreb.

The Croatian Government had planned to evict tenants from 17 000 apartments. So far, about 6 000 families, mainly Serbian, have been evicted. Despite frequent protestations by influential international institutions and individuals, such as United Nations Special Rapporteur Tadeusz Mazowiecki, concerning the practice relative to military apartments, the Croatian Government continues the abuses, regardless of the agreement it signed with the JNA in November 1991, witnessed and guaranteed by the European Union.

Croatia postpones adoption of a law on the purchase of military apartments, bringing thus several thousand tenants into an unequal position.

Of particular concern is the abuse of rights, especially the cases of the violation of legal norms, by the State organs and the subsequent postulation of such violations as a legal basis for court decisions (a tenant would first be evicted and after 6 months the court would decide to seize the apartment since he/she has not lived in it for 6 month as provided for by law).

9. Spiritual genocide

The Orthodox Serbs in the Republic of Croatia are being converted into Catholicism by most perfidious methods. As they have resisted the assimilation over centuries, the present-day Croatian authorities seek to achieve that goal by the conversion.

Pre-school and school children are the main targets. According to the available data, over 10 000 Serbian children in Croatia have been converted into Catholicism since the outbreak of armed conflicts. Religious instruction is an optional subject in Croatian schools. It is taught by Catholic priests and ever since its introduction Orthodox Serbian children have elected not to attend it. Because of that, these children were marked out as non-Christians, humiliated and even maltreated. To spare their children from the humiliation and maltreatment and ensure them normal education, their parents ask Serbian Orthodox priests to issue certificates to the effect that their children have been baptized in the Orthodox church and present them to Catholic priests who take the children to the first Communion in the Catholic church and direct them to attend Catholic religious instruction.

Deputy Dragan Hinic spoke in the Croatian Sabor about the conversion of Serbian children into Catholicism. On 20 October 1994, he said that between 11 000 and 14 000 Serbian school children had been converted into Catholicism, whereupon he was physically attacked by Drago Krpina, Croatian deputy in the Sabor. Not even the Catholic Church in Zagreb could deny this fact, which it did on previous occasions.

Attendance of Catholic religion classes is explained away by government and Catholic Church officials by the desire of non-Catholic parents to send their children to those classes for pragmatic reasons. At the same time, they say that no pressure is being put on children and their parents and that, by attending Catholic religion classes, the children are not required to change faith, which, however, is contrary to the cannons of the Catholic Church. Catholic religious teachers say that they cannot refuse the children wishing to attend Catholic religion classes since this would mean discrimination against these children. They also say that many of these children come from mixed marriages. The contention of Catholic Church officials that the Orthodox Church refused the offer to include its priests in religious instruction in schools should be understood as an excuse. The Croatian educational authorities have recently begun to enter wantonly Serbian children into school registers as Croats.

The disrespect of the Croatian authorities for the Serbian Orthodox Church and the Serbian people is best illustrated by the fact that they refuse to use the term "Serbian Orthodox Church" and use "Greek Eastern Church" instead.

The greatest number of priests of the Serbian Orthodox Church and its five bishops have been expelled from the Republic of Croatia (only 5-6 remained). The Croatian authorities do not allow them to return and even if they did the priests would have nowhere to go since many Orthodox churches and priests' residences have been destroyed.

Given below are some cases of the abuse of religion:

- In 1992, B.R., fifth-former in the "K.R." elementary school in Zagreb, was entered into the school register as a Serb. When her schoolmates learned of that, they laughed at her, insulted and maltreated her. Teachers took no educational measures to protect her excusing themselves with the explanation that the deviant behaviour of other children could not be prevented since they had been brought up in that spirit in the family. The Serbian girl did not attend Catholic religion classes and it only added to her maltreatment.

- According to the records of the Serbian Orthodox Church, 41 parents asked that their children be released from the Orthodox Church, so that they could attend Catholic religion classes and be converted into Catholicism. These were elementary school children born between 1978 and 1985 and four youths born between 1966 and 1968. Their parents explained Serbian Orthodox Church priests that they wanted their children to attend Catholic religion classes in order to fit into the environment, avoid harassment and allay suspicion of their schoolmates and teachers.

- On 21 May 1992, parent N.N. asked his Serbian Orthodox Church priest to issue his child a baptism certificate and said in his request that he needed the certificate for his child's first Communion in a Catholic church and the Catholic priest requested the certificate.

- Parent N.N. asked his Serbian Orthodox Church priest to issue a certificate to the effect that his children had been baptized in the Orthodox Church in order to spare the children from humiliation and from being called Antichrists.

- Conversion of Serbian Orthodox children into Catholicism is illustrated by a letter of the Church of St. Cross in Zagreb in which it is said that N.N. wants to take the first Communion in this Church and the Serbian Orthodox Church is, therefore, kindly requested to issue the child a baptism certificate. These acts of educational and church authorities of the Republic of Croatia directed against Serbian children are aimed at assimilating the Orthodox population and at cleansing in a most perfidious way the Serbian people from the areas in which it has lived for centuries.

10. Citizenship problems

One of the conditions for the acquisition of "domovnica" (Croatian citizenship) spelled out in the Law on the Croatian Citizenship is the possibility to conclude "from one's behaviour that he/she respects the legal order and customs of the Republic of Croatia and accepts Croatian culture" (Article 8, para. 1, subpara. 5). Besides, Article 26 of the same Law says that the Ministry of the Interior can refuse the request for the acquisition or cessation of citizenship although all conditions are fulfilled if it assesses that there are reasons of interest for the Republic of Croatia because of which the request for the acquisition or cessation of citizenship should be refused. This gives the discretionary right to the competent authorities (police) to deny, without explanation, the Serbs the right to acquire or renounce Croatian citizenship. Furthermore, the acquisition of citizenship is conditioned by the requirement that citizens sign a declaration of loyalty to the regime.

By providing for the power of the authorities to grant or refuse to grant citizenship at their discretion (the latter provision being most often applied to Serbs), "democratic" Croatia violates in the most direct way the basic political, civil, economic and social rights of some of its citizens and uses "domovnica" as a powerful means of discrimination against them and their eventual assimilation.

There are many examples of the refusal to grant "domovnica" reported even in the Croatian press. The given example is very illustrative:

- Dragan Jankovic, Serbian physician from Rijeka, applied for Croatian citizenship and his request was refused without explanation. In its decision, the Ministry of the Interior said that Dragan Jankovic fulfilled the conditions for the acquisition of Croatian citizenship, but that there were reasons of interest for the Republic of Croatia because of which his request had been refused. The Constitutional Court of Croatia overruled the decision of the Ministry of the Interior with the explanation that because of the said reasons, the exercise of the basic human and civil rights contained in the provisions of Articles 18, 19 and 28 of the Croatian Constitution was being prevented. After Dragan Jankovic submitted

another application, the Croatian Ministry of the Interior decided to refuse his request again with the explanation that the party had not been registered as residing continually in the Republic of Croatia over the past 5 years. Dragan Jankovic had been born in Nis, now in the FR of Yugoslavia, and moved to Rijeka with his parents when he was one year old. His case remains pending.

11. **Representation in government**

Serbs have been removed from all government institutions and agencies: police, the military and from education, judiciary and health institutions. In addition, the number of Serbs in other public services is negligible as these services and institutions have also been ethnically cleansed.

The political inequality of Serbs has resulted in their economic inequality. They have been removed from managerial positions in companies, banks and financial institutions.

Serbs are discriminated against also in the exercise of ownership rights and the right to equitable participation in the transformation of social capital. This is also true of Serb institutions (Serbian Orthodox Church, Serbian Cultural Society "Prosveta") which have not realized their ownership right to nationalized property.

12. **Destruction of victims of fascism memorials**

Official Croatian authorities turn a blind eye to the ever more frequent cases of the desecration and destruction of memorials dedicated to the memory of the anti-fascist struggle of the Yugoslav peoples. Not only do not official Croatian authorities prosecute and punish the perpertrators of these acts but they have stooped so low as to aid and abet their commission and often commit them themselves.

It is estimated that over 2 000 memorials commemorating the anti-fascist struggle have been destroyed or damaged. For example, the Jasenovac memorial complex has been damaged and museum exhibits testifying to the Ustasha crimes committed against the Serbian people in this infamous and one of the biggest concentration camps in World War Two have been either destroyed or mysteriously spirited away.

A particularly threatening form of the renewal of the Ustasha movement is the re-introduction of the kuna as the currency of the Republic of Croatia and the changing of the names of streets, squares, various establishments and institutions, including even geographic names, into the names which, in Croatia's recent past, symbolized the dark age of the fascist-Ustasha regime.

The introduction of the works of the well known Ustasha ideologist of Pavelic's Independent State of Croatia, Mile Budak, in the curricula of elementary and secondary schools in Croatia is cynicism of the first order for the relatives and descendants of the hundreds of thousands of those hapless Serbian men and women who had been put to death by that nefarious regime.

UNITED NATIONS **A E**

General Assembly
Economic and Social Council

Distr.
GENERAL

A/50/93
E/1995/16
8 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 114 (a) of the preliminary list*
HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1995
SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS:
HUMAN RIGHTS QUESTIONS

Letter dated 8 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you in your capacity as depositary of multilateral treaties, the position of the Government of the Federal Republic of Yugoslavia concerning the comments made by the representatives of Slovenia (E/CN.4/1995/122), Croatia (A/50/75-E/1995/10) and the former Yugoslav Republic of Macedonia (A/50/78-E/1995/11) regarding document E/CN.4/1995/80 of 28 November 1994, entitled "Status of the international covenants on human rights".

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 114 (a) of the preliminary list, and of the Economic and Social Council, under the item entitled "Social, humanitarian and human rights questions: human rights questions".

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

* A/50/50.

Annex

The positions of the former Yugoslav republics contained in documents A/50/75-E/1995/10; A/50/78-E/1995/11 and E/CN.4/1995/122 are aimed at denying the international legal continuity of the Federal Republic of Yugoslavia with the former Socialist Federal Republic of Yugoslavia in the treaties listed in the Secretary-General's report entitled "Status of the international covenants on human rights: succession of States in respect of international human rights treaties" (E/CN.4/1995/80). These positions are untenable for the following reasons:

1. These States invoked General Assembly resolution 47/1 and Security Council resolutions 757 (1992) and 777 (1992), which are unrelated to the status of the Federal Republic of Yugoslavia in the said international treaties. They relate to its status in the United Nations (namely that the Federal Republic of Yugoslavia is not the only successor and cannot automatically continue membership in the United Nations). However, the opinion of the United Nations Under-Secretary-General for Legal Affairs on the scope of General Assembly resolution 47/1 of 30 September 1992 does not provide a basis for denial of the membership of the Federal Republic of Yugoslavia in the United Nations ("..., the resolution neither terminates nor suspends Yugoslavia's membership in the Organization").

2. The status of the Federal Republic of Yugoslavia as a full-fledged party to the international treaties signed by the former Socialist Federal Republic of Yugoslavia was explicitly confirmed by the legal opinion of the United Nations Office of Legal Affairs of 16 November 1993:

> "The status of Yugoslavia as a party to treaties was not affected by the adoption by the General Assembly of resolution 47/1 of 22 September 1992. By that resolution, the General Assembly decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the General Assembly. It did not address Yugoslavia's status as a party to treaties."

3. The opinions of the Badinter Arbitration Commission (Nos. 8, 10 and 11 (see S/1994/189 and S/26233)), noting the "disintegration of Yugoslavia", were adopted outside the mandate entrusted to it by the conflicting parties. As such, they are, according to the norms of international law relating to the arbitration, legally untenable. The continuity of the Yugoslav State regarding international treaties and its membership in international organizations can be supported by the practice of the United Nations and particularly by the opinion of the United Nations Legal Counsel in 1947 (which confirmed the continuity of India's membership in the United Nations after the secession of Pakistan), as well as by the subsequent United Nations practice (secession of Bangladesh from Pakistan and Singapore from Malaysia). In view of these facts, the invoking by Croatia, Slovenia and the former Yugoslav Republic of Macedonia of the practice of the United Nations, other international organizations and the norms of international law in denying the continuity of the Federal Republic of Yugoslavia with the former Socialist Federal Republic of Yugoslavia is not valid.

4. The generalized and inaccurate references to the alleged non-application by the third States of bilateral treaties concluded previously with the former Socialist Federal Republic of Yugoslavia and following the secession of the former Yugoslav republics is equally untenable. Namely, only Austria, Germany, some European Union members and radical Islamic States explicitly denied the validity of, or cancelled, some bilateral agreements or severed diplomatic relations with the Federal Republic of Yugoslavia (New Zealand and Malaysia) on the basis of the "disintegration of the Socialist Federal Republic of Yugoslavia".

5. It should be noted that the Vienna Conventions on the Succession of States, accepted as the basis for the negotiations within the International Conference on the Former Yugoslavia, although they have not yet entered into force, envisage different rights and treatment of the predecessor State vis-à-vis newly created States. They provide for the right of the predecessor State to continuity with respect to international treaties, regardless of the fact that the principles and norms applicable to the succession of States are also applicable to the division of assets and liabilities.

6. Furthermore, the requests of the above-mentioned States for equating their own status with that of the Federal Republic of Yugoslavia are not acceptable either from the political or the moral standpoint and could create a negative precedent for other States, leading to possible broader destabilization of the international community, in view of the fact that their independence was gained by forcible secession, prohibited by international law.

UNITED NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/50/94
S/1995/190
8 March 1995
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Fiftieth session
Item 26 of the preliminary list*
THE SITUATION IN BURUNDI

SECURITY COUNCIL
Fiftieth year

Letter dated 8 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Burundi to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the copy of the Agreement embodying the Convention on Governance of 10 September 1994 between the forces of democratic change and the political parties of the opposition.

In view of the international community's interest in this document, which currently constitutes the primary national point of reference for overcoming the crisis that has been disrupting the country since October 1993, I should be grateful if you would have it circulated as a document of the General Assembly, under item 26 of the preliminary list, and of the Security Council.

(Signed) Melchiade BUKURU
Chargé d'affaires a.i.

* A/50/50.

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Annex

AGREEMENT EMBODYING A CONVENTION ON GOVERNANCE BETWEEN THE FORCES FOR DEMOCRATIC CHANGE, CONSISTING OF THE FRONT POUR LA DEMOCRATIE AU BURUNDI (FRODEBU), THE RASSEMBLEMENT DU PEUPLE BURUNDAIS (RPB), THE PARTI DU PEUPLE (PP), THE PARTI LIBERAL (PL) AND THE POLITICAL PARTIES OF THE OPPOSITION, COMPOSED OF THE UNION POUR LE PROGRES NATIONAL (UPRONA), THE RALLIEMENT POUR LA DEMOCRATIE ET LE DEVELOPPEMENT ECONOMIQUE ET SOCIAL (RADDES), INKINZO, THE PARTI SOCIAL DEMOCRATE (PSD), THE ALLIANCE NATIONALE POUR LE DROIT ET LE DEVELOPPEMENT (ANADDE), THE ALLIANCE BURUNDO-AFRICAINE POUR LE SALUT (ABASA), THE PARTI INDEPENDENT DES TRAVAILLEURS (PIT), THE PARTI POUR LA RECONCILIATION DU PEUPLE (PRP) AND THE PARTI POUR LE REDRESSEMENT NATIONAL (PARENA)

The forces of democratic change, consisting of FRODEBU, RPB, PP and PPL, and the political parties of the opposition, consisting of UPRONA, RADDES, INKINZO, PSD, ANADDE, ABASA, PIT, PRP AND PARENA,

Noting that the prevailing social and political situation in Burundi has profoundly undermined trust between the various groups which make up the people of Burundi, on the one hand, and between the people of Burundi and the institutions, organs and mechanisms for defining and exercising State power, on the other hand;

Noting that the roots of the crisis lie in Burundi's distant and recent past;

Resolved to build a future of peace, to rethink and revitalize the democratic process in a State based on the rule of law in the interest of all its citizens irrespective of ethnic, social or political affiliation;

Firmly committed to work for the speedy restoration of peace, security, trust and social and political stability in the country;

Convinced also that to this end, the consensus built through a sincere and fair reconciliation of the interests of the different political partners and the constituent parts of the nation is a determining factor for success in this undertaking;

Firmly determined to resolve the current crisis in such a way as to promote a lasting peace that can give new hope to the people of Burundi and guarantee security and prosperity for present and future generations;

Convinced that the current social and political system must be reconsidered and adapted to national realities, with a view to ensuring peace, security and continuity of the nation of Burundi;

Considering the disturbing state of the national economy and the urgent need for economic recovery;

Considering that it is of primordial importance to restore the cultural and moral values of our people, in order to preserve the nation and with a view to building a peaceful, just and prosperous society;

Considering that the Kigobe and Kajaga Agreements and the Rohero (Novotel) Protocols of Agreement were negotiated between political partners who had freely agreed to restore peace, security and trust in the country;

Considering further that constitutional legality should be respected to the fullest extent possible;

Taking into account the responsibilities incumbent on them for promoting a new dynamic process of national reconstruction;

Taking into account the overwhelming need to respect and implement the provisions of the Kigobe and Kajaga Agreements, the Rohero (Novotel) Protocols of Agreement, the Declaration of the Government and the political parties against the warmongers and in favour of peace and security and the Protocol of Agreement on the distribution of responsibilities within the territorial administration, documentation and migration services and the external services, after negotiation under the auspices of the Government of Burundi, acting also as political partners;

In the presence of the national observers represented by the Bureau of the Forum for the Negotiations, and the international observers, namely, the Special Representatives of the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity;

HAVE DECIDED TO ADOPT THIS CONVENTION ON GOVERNANCE.

TITLE I. GENERAL PROVISIONS

CHAPTER I. BASIC PRINCIPLES CONSTITUTING A POLITICAL ETHIC

Article 1. This Agreement embodying a convention on governance, hereinafter called "the Convention", is aimed at restoring and promoting the values of peace, social justice, patriotism and national unity.

It urges the political partners to attach the highest importance to:

- Devotion to the truth;
- Strict respect for the rights of the human person and individual freedoms, in particular, absolute respect for life.

Article 2. The Convention also seeks to build a State based on the rule of law through:

- The collegial and democratic definition and exercise of power;
- The promotion of the independence of the judiciary and the neutrality of the police force;
- Respect for the common good and the establishment of mechanisms for overseeing the management of the State;
- The education of the population, especially young people, in the values of peace and tolerance.

Article 3. Political consensus is a determining factor for the re-establishment of peace, security, trust and stability in the country.

It is embodied by the Framework for Concerted Action that brings together the political parties and the associations of civil society under the auspices of the Government.

The Government must formalize this Framework for Concerted Action within 30 days of the signature of this Convention.

CHAPTER II. DEFINITION

Article 4. The Convention on Governance is an agreement concluded between the registered political parties with a view to the establishment of institutions based on "consensus", the restoration of peace, security and trust, the emergence of a State based on the rule of law and the economic recovery of the country.

Article 5. With a view to the re-establishment of institutions, this Convention amends certain clauses of the current Constitution that have become inapplicable because of the crisis, pending a national debate to produce a constitution based

on democratic principles which guarantee the full development of all members of society.

Article 6. The Convention defines the tasks entrusted to the President of the Republic and the Government chosen on the basis of consensus. It governs the functioning of the institutions established on the basis of consensus and sets forth the guidelines for the smooth operation of the State. Pending its revision, the Constitution of the Republic shall continue to apply to the extent that it is not inconsistent with the provisions of this Convention.

CHAPTER III. PERIOD OF VALIDITY

Article 7. This Convention covers a transitional period commencing on the day of its signature and expiring on 9 June 1998.

Article 8. This Convention cannot be amended. However, the executive, with the concurrence of the Framework for Concerted Action may, where appropriate, take steps to conclude additional protocols.

TITLE II. TASKS ENTRUSTED TO THE PRESIDENT OF THE REPUBLIC AND TO THE GOVERNMENT

Article 9. The parties signatory to this Convention entrust the President of the Republic and the Government chosen on the basis of consensus with the implementation of tasks designed to achieve the following broad purposes:

- The country's return to peace and security;
- The disarmament of civilian population groups and the dismantling of militias;
- The establishment of a National Security Council that is well-balanced and effective;
- The reintegration of displaced persons and the repatriation and resettlement of refugees in conditions of optimum security;
- The organization of a substantive national debate on the country's major problems, with a view to the adoption of a National Covenant for Peaceful Coexistence between the constituent parts of the nation and an appropriate constitution;
- Constitutional reforms;
- Education of the inhabitants, especially young people, for peace, respect for life, tolerance and other democratic values;
- Support for production activities in all sectors of the national economy;

- Reconstruction of infrastructures and revival of the national economy;

- Reorganization of public financial management and protection of the nation's assets;

- Pursuit of national and international investigations relating to events since October 1993;

- Guaranteeing the independence of the judiciary and promoting the proper administration of justice;

- Guaranteeing and promoting fundamental freedoms of the human person, including the freedoms of expression and association and free enterprise;

- Study of the question of the Burundi diaspora.

TITLE III. INSTITUTIONS

CHAPTER I. THE PRESIDENT OF THE REPUBLIC

Article 10. The President of the Republic must be a person who inspires confidence and is capable of bringing together the people of Burundi in all its ethnic, social and political diversity. The primary task of the President as Head of State is to guarantee for each citizen the right to life and enjoyment of his freedoms with a view to his integral development.

Article 11. The President of the Republic must not have been involved, whether directly or indirectly, in any of the tragic events that have occurred since independence, in particular the coup d'état and the assassination of the President of the Republic on 21 October 1993, in what the political partners have agreed to call genocide, without prejudice to the findings of the independent national and international investigations, in the destruction of property, in the formation of militias or in the distribution and illegal use of arms. He must be chosen on the basis of consensus between the partners to this Convention.

Article 12. During the period covered by the Convention, the President of the Republic may not call on foreign troops without the approval of the National Security Council.

Article 13. The procedures for the appointment of the President of the Republic are set out in the Protocol of Agreement annexed to the present Convention, of which it is an integral part.

Article 14. The term of office of the President of the Republic shall be the same as the period during which this Convention is in force.

Article 15. All legislative, regulatory and administrative acts of the President of the Republic shall be countersigned by the Prime Minister, with the exception of acts signed pursuant to article 72, paragraph 1, of the

Constitution, and the appointment of members of the Cabinet of the President of the Republic.

CHAPTER II. THE NATIONAL SECURITY COUNCIL

Article 16. The National Security Council shall review acts of an important political nature proposed by the President of the Republic, in particular:

- Where exceptional circumstances lead to a declaration of war or to the signing of a truce;
- Before the declaration of a state of emergency where the institutions of the Republic or the fulfilment of its international commitments are under serious and immediate threat and where the normal functioning of its institutions is disrupted;
- In case of recourse to foreign mediation and/or military intervention;
- The appointment of senior military and civilian officials;
- The promulgation of laws;
- The holding of a referendum;
- Revision of the Constitution.

The National Security Council shall also, whenever necessary, serve as mediator between the various State institutions.

Article 17. The National Security Council shall comprise:

- The President of the Republic;
- The Prime Minister;
- The Minister for Foreign Affairs and Cooperation;
- The Minister of the Interior and Public Security;
- The Minister of Defence;
- A representative of the Partis des Forces de changement démocratique;
- A representative of the opposition parties;
- A representative of the National Unity Council;
- A representative of civil society;
- The permanent secretary, who shall be from a political grouping different from that of the President of the Republic.

Article 18. The President of the Republic and the Prime Minister shall be ex officio members of the National Security Council.

The other members shall be appointed by the President of the Republic on the recommendation of the political parties, after consultations with representatives of civil society. Their term of office shall be the same as the period covered by the present Convention.

Article 19. The members of the National Security Council shall meet as often as the situation requires and at least once a month; the meetings shall be convoked by the President of the Republic.

Article 20. The President of the Republic shall convoke the National Security Council if requested to do so by at least two of its members.

Article 21. Meetings of the National Security Council shall be chaired by the President of the Republic or, in his absence, by the Prime Minister. Decisions of the National Security Council shall be by a three-fourths majority. In the absence of the President of the Republic and of the Prime Minister, meetings shall be chaired by the oldest member of the Council.

Article 22. The National Security Council may invite to its meetings any person whose opinion it considers must be taken into account.

Article 23. Within thirty days of the signing of this Convention, an organizational law shall be enacted to define the tasks and procedures of the National Security Council.

CHAPTER III. THE PRIME MINISTER

Article 24. The Prime Minister must be a person who inspires confidence and unity, and must be from a different political grouping from that of the President of the Republic. He must not have been involved, whether directly or indirectly, in any of the tragic events that have occurred since independence, in particular the coup d'état and the assassination of the President of the Republic on 21 October 1993, in what the political partners have agreed to call genocide, without prejudice to the findings of the independent national and international investigations, in the destruction of property, in the formation of militias or in the distribution and illegal use of arms.

Article 25. The Prime Minister shall be appointed by the President of the Republic on the express recommendation of one or more interested political groupings and his appointment shall be the subject of consultations with and the common agreement of the other political grouping and civil society.

The Prime Minister shall coordinate all Government activities. He shall countersign all legislative, regulatory and administrative acts of the President of the Republic, with the exception of those adopted pursuant to article 72, paragraph 1, of the Constitution, and the appointment of the members of the Cabinet of the President of the Republic.

CHAPTER IV. THE GOVERNMENT

Article 26. In order to create a climate of trust among the political partners, a coalition Government shall be established to carry out the tasks entrusted to the President of the Republic and to the Government and which are specified in article 9.

Article 27. With the exception of the Minister of Defence and the Minister of Justice, the members of the Government shall be drawn from all the political formations which have signed this Convention, with 55 per cent coming from the Forces de Changement démocratique and 45 per cent from the opposition political parties.

Article 28. The Government shall be appointed by the President of the Republic on the recommendation of the Prime Minister, after consultations with regard to its structure and composition with the political parties that are signatories to this Convention. Recommendations shall be for one candidate only; where necessary, alternative candidates may be proposed successively.

Article 29. No one may enter or remain in the Government if such person has been directly or indirectly involved in the tragic events that have occurred since independence, in particular the coup d'état and the assassination of the President of the Republic on 21 October 1993, in what the political partners have agreed to call genocide, without prejudice to the findings of the independent national and international investigations, in the destruction of property, in the formation of militias or in the distribution and illegal use of arms.

Article 30. Where, for any reason whatsoever, a minister leaves the Government, he shall be replaced by a person from his own political formation.

A Minister may leave the Government on the initiative of the President of the Republic and/or the Prime Minister.

The President of the Republic and/or the Prime Minister may request the resignation of any member of Government who does not conform to the spirit and the letter of this Convention or who jeopardizes the functioning of the Government.

The Party with which a member of Government is affiliated may, on grounds deemed serious by the Conciliation Framework, require that member to resign.

Article 31. In accordance with article 86 of the Constitution, the Government shall comprise the Prime Minister, the Ministers and, if need be, Secretaries of State.

Article 32. During the period covered by this Convention, the Government shall have the following portfolios:

1. Ministry of Foreign Affairs and Cooperation
2. Ministry of the Interior and Public Security
3. Ministry of Justice
4. Ministry of Defence
5. Ministry of Planning, Development and Reconstruction
6. Ministry of Community Development
7. Ministry for the Reintegration and Resettlement of Displaced Persons and Returnees
8. Ministry of Physical Planning and Environment
9. Ministry of Agriculture and Animal Husbandry
10. Ministry of Finance
11. Ministry of Trade, Industry and Tourism
12. Ministry of Labour, Craft Industry and Vocational Training
13. Ministry of the Civil Service
14. Ministry of Education and Basic Education
15. Ministry of Secondary and Higher Education and Scientific Research
16. Ministry of Human Rights, Social Services and the Advancement of Women
17. Ministry of Youth, Sport and Culture
18. Ministry of Public Health
19. Ministry of Communication
20. Ministry of Public Works and Infrastructure
21. Ministry of Transport, Postal Services and Telecommunications
22. Ministry of Energy and Mines
23. Ministry of Institutional Reforms and Relations with the National Assembly
24. Office of the Secretary of State for Cooperation
25. Office of the Secretary of State for Public Safety

CHAPTER V. THE NATIONAL ASSEMBLY

Article 33. The National Assembly shall ratify this Convention and its annexes and shall be one of the principal guarantors of its strict application. The National Assembly may not change either the spirit or the letter of this Convention. Without prejudice to the provisions of article 50, in a spirit of cooperation with the national institutions established on the basis of consensus, and with a view to promoting peace and security, for the duration of this Convention the National Assembly shall agree to suspend its constitutional prerogatives with respect to mechanisms for dissolving the Government.

CHAPTER VI. THE JUDICIARY

Article 34. The judiciary shall dispense justice with complete independence. The other branches of government shall not interfere with the judiciary in order not to disrupt the normal course of justice. Judges at all levels are bound to dispense justice with complete fairness. The Supreme Council of the Judiciary shall ensure strict respect for the proper administration of justice, which shall guarantee the safety of all members of national society.

Article 35. The judiciary shall have a statute and be organized in such a way that it:

- Has sufficient human and financial resources;
- Is able to guarantee equal security for all.

Article 36. It is requested that an international judicial fact-finding mission be formed within 30 days; it shall be composed of competent and impartial persons to investigate the coup d'état of 21 October 1993 and what the political partners have agreed to call genocide without prejudice to the outcome of the independent national and international investigations, as well as the various political crimes that have been committed since October 1993.

CHAPTER VII. ADMINISTRATION AND SECURITY SERVICES OF DIPLOMATIC AND CONSULAR MISSIONS

Article 37. At all levels of public administration, recruitment and promotion to higher administrative and technical posts shall be consistent with the statutes and objective criteria of competence, in a transparent fashion.

Article 38. In order to respect, encourage and promote the careers of civil servants, clear legislation that distinguishes between political and administrative and technical posts shall be drawn up during the first months of the period covered by this Convention.

Article 39. With respect to the distribution of responsibilities in the Territorial Administration, External Services and the Documentation and Migration Services, the Protocol of Agreement between the political groupings, signed on 12 July 1994, and the supplementary agreement, signed on 22 July 1994, shall be applied. The effective implementation of these agreements shall be begun within 30 days following the formation of the Government.

Article 40. Any person involved, whether directly or indirectly, in the tragic events that have occurred since independence, in particular the coup d'état and the assassination of the President of the Republic on 21 October 1993, and in what the political partners have agreed to call genocide, without prejudice to the outcome of the independent national and international investigations, in the destruction of property, in the formation of militias or in the distribution and illegal use of arms, shall in every case be removed from office and shall not be recruited into provincial or community administrations.

Article 41. In the performance of their duties the security services and forces shall respect the principle of strict political neutrality. Participants in the political process shall refrain strictly from soliciting them for political activities.

Article 42. The security forces shall have at their disposal all necessary means to enable them to perform their mission of defence in an appropriate and timely manner and carry out the important task of disarming the civilian population and disbanding the militias and discouraging any form of violence or criminal behaviour.

Article 43. Pending an audit, which shall take place within three months after this Convention is signed, the security services shall retain their current organizational structure. However, a body shall be established at the government level to coordinate the various security services.

TITLE IV. MECHANISMS TO MONITOR THE IMPLEMENTATION OF THE CONVENTION

CHAPTER I. MONITORING COMMITTEE

Article 44. In accordance with the agreement signed on 1 June 1994, a monitoring committee shall be established and shall be composed of representatives from the political parties that are signatories to this Convention.

Article 45. The Monitoring Committee shall ensure regular follow-up of the implementation of this Convention. In its work, the Monitoring Committee may be expanded to include, when necessary, representatives of civil society.

CHAPTER II. CONCILIATION FRAMEWORK

Article 47. A conciliation framework shall be established and shall include the Bureau of the National Assembly, the National Security Council and the Bureau of the Forum for the Negotiations on this Convention.

Article 48. The Conciliation Framework shall be competent to serve as mediator between the signatories to this Convention in the event of a dispute concerning its interpretation or implementation.

Article 49. The Conciliation Framework shall act as a mediator.

TITLE V. FINAL PROVISIONS

Article 50. The institutions established on the basis of consensus derive their legitimacy from this Convention. The signatories to this Convention pledge to ensure, jointly and severally, its protection and implementation.

Failure to observe this Convention, duly verified by the National Assembly, the Framework for Concerted Action and the National Security Council, and after

conciliation, shall break the consensus and entail the immediate dissolution of all the institutions established on the basis of consensus.

Article 51. Upon their assumption of office, the President of the Republic and the Prime Minister shall affix their signatures to this Convention and solemnly pledge to implement it.

Article 52. Within 30 days following the formation of the Government, the President of the Republic shall appoint a national technical commission to prepare for the holding of a national debate on all the basic problems facing the country.

The aforementioned debate shall be held within six months. The international community shall be invited to make material and technical contributions. The registered political parties, civil society and the constituent parts of the nation shall take part in the preparations for the debate and in the debate itself.

Article 53. This Convention shall be translated into Kirundi and shall be widely disseminated among the population.

Article 54. This Government Convention is drawn up in three original copies, which shall be deposited with the National Assembly, the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity.

DONE at Bujumbura, on 10 September 1994.

POLITICAL PARTIES SIGNING THE CONVENTION

UPRONA	(Signed)	Charles MUKASI, President
PP	(Signed)	Shedrack NIYONKURU, President
FRODEBU	(Signed)	Jean-Marie NGENDAHAYO, for the President
RPB	(Signed)	Ernest KABUSHEMEYE, President
ANADDE	(Signed)	Ignace BANKAMWABO, President
PL	(Signed)	Gaëtan NIKOBAMYE, President
PSD	(Signed)	Vincent NDIKUMASABO, President
INKINZO	(Signed)	Alfonse RUGAMBARARA, President
PIT	(Signed)	Nicéphore NDIMURUKUNDO, President

FOR THE GOVERNMENT

(Signed) Sylvestre NIBANTUNGANYA
President of the Republic a.i.

(Signed) Anatole KANYENKIKO
Prime Minister

INTERNATIONAL OBSERVERS

(Signed) Ahmedou OULD ABDALLAH
Special Representative of the Secretary-General
of the United Nations

(Signed) Léandre BASSOLE
Special Representative of the Secretary-General
of the Organization for African Unity

OFFICE OF THE FORUM

(Signed) Monsignor Simon NTAMWANA

(Signed) Monsignor Bernard BUDUDIRA

(Signed) Antoine NIJEMBAZI

(Signed) Vincent KUBWIMANA